THE HINDOO PATRIOT

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THE WEEK.

MONDAY, 14TH MAY.

THE GOVERNMENT OF MADRAS has issued the following notification:

"The Governor in Council is further pleased under the provisions of Sections 42 and 223 of the Code of Criminal Procedure, to confer upon all Subordinate Judges in this Presidency (excepting the Subordinate Judge of Cochin, who is already a Magistrate of a Division of a District), the powers of a Magistrate of the 1st Class in respect to offences generally, together with power to try summarily all the offences mentioned in Section 222 of the Code; and to invest all District Munsifs in this Presidency, under Section 42, with the powers of a Magistrate of the 1st Class, in regard to offences generally:—such powers being exercised within the Districts in which these officials are respectively stationed, during the present adjournment of their Courts and until further orders."

We observe that our contemporary of *Native Public Opinion* is not satisfied with this measure. He thinks that it will place the native judiciary under the control of the District Magistrates. We do not quite see this. The Judges will exercise merely judicial powers, and will we think be in no way amenable to the executive authority of the District Magistrates. Of course their work will be increased, but if the establishment should prove under-handed, the number ought to be increased. We are of opinion that the judiciary ought to be vested with both civil and criminal powers, and the executive should have no judicial functions. The line between the judicial and the executive should be drawn distinctly as the Madras Government evidently proposes to do.

AT A LATE MEETING of the Cambridge Board of Guardians, an extraordinary case, termed "a resurrection case" came under notice. A Railway porter, named Lawrence, says the *Overland Mail*, was taken ill with bronchitis, and pronounced to be dead. A coffin was made into which the body was placed, and the Coroner consulted as to an inquest; the Surgeon certified that death was sudden. To the alarm of the inmates of the house, the man after lying in his coffin two days, rose up and took his seat in the room. His mother, it seems, had given him a sleeping mixture, which caused sleep but not death.

THE NATIVE PUBLIC OPINION of Madras has the following: "We are sorry to hear repeated complaints of the unworthy way in which some of the Bengal officers posted in the district of Cuddappah treat their subordinates including Tahsildars. We have already brought this complaint to the notice of the authorities, and we beg to bring it once more in the hope that the matter will be seriously enquired into by our Government. It has been stated to us that there are vacancies under some of the officers complained of, and that it has been found difficult to fill them up as men are unwilling to held employment under them." We are very sorry to read this.

APROPOS of school-boys' eccentricities in Calcutta we reproduce the following from an English paper:

"Dr. Childs of London, was to lecture on April 11 in the Literary Institution at Edinburgh, against vivisection, and about 500 persons assembled, the bulk of whom were Medical students. When the lecturer made his appearance on the platform, he was greeted with howling, hissing, and other discordant noises, so loud and long-continued that, after making several attempts to proceed with his lecture, he had to retire. Upwards of twenty policemen were in attendance, but were quite unable to maintain order."

So school-boy nature is the same everywhere.

THE NEW PRESIDENT of the United States, Mr. R. D. Hayes, has had a singular career. He is descended from a Scotch family, which emigrated to America in 1682. His grand-father was a blacksmith and the best features of his character are due to his mother. He is a graduate of the Havard University and entered public life as a solicitor. He gradually distinguished himself as a lawyer, he has been twice elected to Congress, and three times held the Governorship of Ohio. When the war broke out he left his profession, joined the Northern army, made his way to the rank of a Brigadier-General, was wounded four times, and by his bravery and dash won the admiration of every one. His artistic tastes are very considerable, and he is known to possess a good gallery of pictures, being known as a connoisseur. His library also is one of the finest in the United States. As a scholar, artist, soldier, lawyer, and statesman he has been always brilliant, and the independence of his mind and speech is very great. Such is the man to whose care the interests of the American Republic are committed for five years.

MILD SPORTS IN A CHRISTIAN COUNTRY. We reproduce from *Native Public Opinion* the following, which occurs in a letter to the London *Times*, giving an account of the "royal progress in Spain":

"At 3-30 there was a bull fight in Malaga and a vast crowd was gathered promptly at the hour. The leading characters in the cruel scenes about to be enacted had come down from Madrid. The first of the ill-starred animals was terribly frightened, and refused to attack the horses. Then arose the blood-thirsty cry from 10,000 spectators 'fuego'-fire. The instruments are barbed arrows, dexterously thrown into the bull's neck, where they immediately commence a series of explosions, of hissing and torture, which drives the poor animal frantically about the ring, in the vain hope of shaking off his unwelcome pyrotechnics. All this display of intense suffering causes a corresponding movement of satisfaction in the lookers on. The horse is brought up again, the bull retreats; more fire, more agony. The spectacle is sickening. It is a relief to hear the signal given for the *espada*, who quickly puts the poor brute out of misery. The bulls that followed needed no *fuego*. They destroyed horse flesh to the evident satisfaction of the Malagueños. One laid four on the ground; another completely disembowelled a wretched hack, who poured out his life on the arena in dust and pain."

Were the Baroda sports any thing like these mild sports in Spain?

TUESDAY, 15TH MAY.

OUR MYSORE CORRESPONDENT thus writes about the famine in that province:

"We have not yet received our usual rains. The heat is daily increasing. The sufferings of the people from the famine in this province are very great to numbers daily fall victims, who are reported in the official language, as having died from cholera. And the most incomprehensible part of the whole affair is that where relief-works are opened there the wages are reduced by ¼ of what the coolies used to receive ordinarily; and they are expected to do a certain amount of measured work, which their present physical condition can hardly stand."

THE SAME WRITER SAYS:

"Mysore, Baroda and Hyderabad are the countries watched with the greatest anxiety by all the well-wishers of India. In all these the sovereigns are minors; and they are under the special care and training of the British Government to fit them for their future distress. Baroda has the special good fortune of securing the services of a veteran native statesman. And judging from things already done there, the future is very bright and hopeful. The peculiar history of Mysore, where the English have not only the entire charge of the administration of the country, but also the education of the Young Prince unreservedly and without any sort of interferences on the part of the Raja's relations, is a matters of very great importance. The experiment that is being tried here of training the Maharaja entirely under the guardianship of English officers is a matter of peculiar interest, and watched with great anxiety by all the lovers of India's prosperity. Signal success has attended the measures adapted by the Guardians Col. Malleson and Mr. Gordon. And on the wise and judicious choice the Viceroy will now make with regard to the appointment of officers to form the mind and character of the Maharaja depends the future of Mysore"

A PORTUGUESE COMPANY has been started for the cultivation of opium in Mozambique. It has a capital of about £180,000, and its promoters have obtained from the Lisbon Government, a concession of fifty thousand acres of land, said to be well fitted for the culture of the poppy, at a trifling fee, and the right to export opium fee of customs duty for a period of twelve years. Twelve experienced opium growers have been taken from Malwa.

THE ARGUMENTUM BACULUM is resorted to in some places in Turkey to enforce justice from Governors. The other day some inhabitants of Pognoniani came to Constantinople to complain personally to Parliament of their Governor, Yusuf Ali Bey. On being informed that Parliament could not receive their complaint in that form, they departed much disappointed, when, fortunately for them, and unluckily for Yusuf, they espied him quietly sipping his mocha in a convenient coffee-house. They all marched up to him, and the elder of the party, standing before him, began to recapitulate all the enormities he had been guilty of. Having thus admonished him, the whole party then fell upon him, and thrashed him unmercifully, till the Zaptiehs interfered, and assured the aggressors that their conduct was highly "unparliamentary."

AN INGENIOUS German has calculated that within the last eighteen months no less than eleven thousand despatches have been written on the subject of the Turkish treatment of the Porte's Christian subjects. England and Russia have each contributed two thousand two hundred, Turkey two thousand. Germany seventeen hundred, France one thousand. Austria and Italy the remainder. So the world is governed by words.

MISS FLORENCE NIGHTINGALE is said to be engaged at present in writing a book upon the Zemindar and ryot question. We are curious to see what she has to say on the subject.

A VERY IMPORTANT QUESTION has been lately decided by the Chief Court of the Punjab, *viz.* whether an hereditary cultivator, whose land having been carried away by the action of a river and subsequently reappears, is entitled any time within 12 years of such accretion or re-appearance, to take possession and cultivate such land, notwithstanding that he did not immediately claim it, on its re-appearance. The Court hold that the fact of the land being submerged or unclaimed for several years does not affect the hereditary tenant's rights, and that ordinarily the only legal bar is twelve years limitation.

WEDNESDAY, 16TH MAY.

THE FOLLOWING STATISTICS relating to the Great Powers of Europe will doubtless be read with interest at the present moment:

"In respect of population, the Powers stand thus: 1. Russia with 73,613,602 inhabitants (1870); 2. Germany with 42,722,242 (1875); 3. Austria, with 37,700,000 (1876); 4. France with 30,102,921 (1872); 5. Great Britain and Ireland, with 33,460,000. (1876); 6. Italy with 27,482,174 (1875). In point of territory in Europe alone, they may be arranged as follows; 1. Russia, with 2,000,000 square miles; 2, Austria with 25,000; 3. Germany with 216,000; 4. France, with 212,000; 5. Great Britain and Ireland with 122,000; 6, Italy with 118,000 Austrria, Germany, and Italy have no possession out of Europe. England own 8,200,000 square miles; Russia, 6,500,000 and France, 400,000. The war strength of the different armies *on paper* may be set down thus:—1 French, at 1,750,000 men; 2. Russian at 16,090,000; 3. German, at 1,283,000; 4. Austrian, at 1,013,000; 5. British, at 899,000; 6. Italian at 867,000. In point of naval strength. England is first, her armament consisting of of 51 turretships and 2 rams, besides 30, Steam-ships and 170 sailing vessels, and 81,447 men; 2. France, with 38 ironclads and 60,000 men; 3. Russia, with 29 ironclads and 25,000 men; 4. Italy, with 16 ironclads and 9,500 men; 5. Russia, with 18 ironclads and 115,000 men; 6. Germany, with 4 ironclads 5,500 men."

THE BOMBAY GAZETTE hears that a few days ago, Mr. J. L. Johnston, First Assistant to the Collector of Ratnagiri, accidentally shot a native beater. It appears that Mr. Johnston was beating round his camp early in the morning for small game, and fired at a *bekri*, which broke cover in front of him. Some of the beaters had broked their line, and when Mr. Johnston fired they were behind some bushes in front of him. A single pellet glanced from the ground and entered the abdomen of one of the beaters, who died very soon afterwards. The usual enquiry followed, and the matter was at once reported to Government, Mr. Johnston has provided for the family of the deceased. So no trial was held. Would a native be let off under similar circumstances?

THE INDIAN TRIBUNE says that one Owen, a clerk in the office of the Chief Superintendent's Travelling Post Office, has been committed to the sessions for theft and breach of trust. It is stated that the man, who lodged with another employe of the same office, broke open the chest of the latter in his absence, and abstracted money from it. It is said that the man has confessed his guilt.

A KITE-FLYING MELA is held annually in Allahabad. The *Tribune* says that "the Mela was held on the afternoon of the 6th instant, thousands of men, women and children gathered together at the Sabuiabag to see the contests at Kite-flying. Paper-kites thickly covered the sky; and the exclamations of joy and exultation of those who succeeded to cut the strings of the kites of others by means of their own, were constantly heard. Young and old, rich and poor freely indulged in this favorite passion of kite-flying." In Bengal this sport is dying out.

WE GIVE the following extracts from the review of Babu Peary Chand Mittra's Pshychology of the Aryans published in the *Banner of Light*:

From the author's name, Peary Chand Mitter, it is easy to infer that he is a native of Hindostan; and that he is a cultured, refined and spiritualized man, is manifest from his pamphlet. In a foot-note on its second page the word Aryas is defined as noble; so that the pamphlet may be regarded as a Hindoo's statement of the science of soul as held by the nobles of India.

Our learned Hindoo author mentions (page 13) four different states, or perhaps degrees of abstraction and concentration, into which the soul can naturally enter; 1st. The waking state, in which through the senses, it cognizes gross objects. 2d. The dreaming state, wherein it enjoys subtile objects. 3d. "Profound sleep—no desire, no dream, knowledge uniform, enjoying bliss and knowledge. Somnambulism and clairvoyance come under this state.' 4th knowledge, not external—nor internal—nor both, consciousness of soul, in which all the spheres have ceased, *i. e.*, spiritual state, enjoying pure

intelligence. He also quotes from the *Brihad Aranyka* that "the highest place, the highest state of the soul, is where it exists as the soul in its own inherent state." "He who knows it (soul) daily retires to the region of *surga* (heaven) in his own heart." "Know that," says another Indian mystic, "which does not think by the mind, and by which the mind is thought.' These views, if not the same, are at least harmonious with the teachings of A. J. Davis, contained in all his works, but detailed in Volume III. of The Great Harmonia. He there distinguishes, and by anecdotes and philosophy illustrates the successive and progressive evolutions of the soul from its conception through its rudimental, psychologic and sympathetic states, until its spiritual or interior senses are developed, and thence yet onward through the mentally illuminated highways of somnambulism and clairvoyance into spiritnality, the home of the soul, the heaven of the Christian, the Nirvanna of the Brahmin, the inward kingdom of God. It hath no need of the sun, nor of the moon, that they should shine in it, for the divinity of the God lights it, and its light, the Lamb :

"The strong gods pine for my abode,
And pine in vain the sacred seven;
But thou, meek lover of the good!
Find me, and turn thy back on heaven."

The finding of God and of heaven in the soul, where the Aryas and Jesus found both one and the other, and where all true religionists seek to find them, is the reward or fruit of self-knowledge.

The essential identity of the religion or philosophy (for, go deep enough, religion and philosophy are one,) of the preeminent teachers of righteousness in all ages and their restatement in Christendom by Andrew Jackson Davis, when knowledge of them had become dim, we think appears also in the psychological teachings of the Aryas, which Peary Chand Mitter sums up in closing his interesting and valuable pamphlet.

The whole review is very interesting, but we have not space for more extracts.

THE CIVIL AND MILITARY GAZETTE says, *a propos* of the release of 16,000 prisoners on the Proclamation Day in India,

"Action is to be taken by the Home rule party in the House of Commons, who will make it the ground for a resolution urging the release of the Fenian prisoners still in custody. There will be some fine tall talk by the patriots, contrasting the liberality shewn by the British Government to Indian dacoits, with the harshness displayed to noble Irish gentlemen who are suffering, because they merely attempted to effect the emancipation of their country with nitro-glycerine and other means of disposing of Saxon tyranny."

THURSDAY, 17TH MAY.

THE BEHAR HERALD says that the memorial of the Mahomedan population of Bankipore against the use of Nagri in the Courts of Behar, has failed to produce its desired effect. The Lieutenant Governor has declined to interfere with the orders passed on the subject by Sir Richard Temple.

THE EAST says that Babu Aghorenath Chatterjee, who passed the D. Sc. Examination of the Edinburgh University in Chemistry, has arrived at Bombay, and will soon join his appointment at Hyderabad as tutor to the sons of Sir Salar Jung. Babu Aghore Nath stood first in Chemistry and has won the Baxter scholarship of £60 a year for 2 years.

THE SAME PAPER says that "Babu Nishikant Chatterji, who was prosecuting his studies at Leipzic, has been appointed by the Councillor of State of Russia, as Professor of Indian Languages (Sanskrit, Hindustani and Bengali) in the St. Petersburg University. Besides the fees from pupils he will draw 300 marks per month. Babu Nishikant's German lectures on 'Buddhism and Christianity,' 'Ramayan,' Chronology of the Hindus,' and the 'Condition of the Indian Women—Past and Present' were very highly spoken of in the German papers. We are glad that the first publishers of Leipzic have undertaken to publish his lectures on 'Ramayan' with his portrait. Before joining his appointment at St. Petersburg he will stay 4 or 5 months at Paris to study the French language." All this is very gratifying to the countrymen of Babu Nishikant Chatterji.

IT IS STATED that the mercantile community, Native and European, of Bombay have memorialised Lord Lytton, protesting against the continuance of the Cotton Frauds Act as oppressive and unnecessarily burdensome to trade. The Bombay Chamber of Commerce has also memorialised the State Secretary on the subject.

THE BOMBAY ASSOCIATION have petitioned the Governor-General in Council about Arbitration Courts. They remark :

The provision in Section 327 which provides for the application for filing the ordinary *panchayat* awards, being thus repealed on the one hand, and there being nothing on the other hand positively enacted in reference to stamps regarding these same applications, subordinate Judges have in many Courts begun to charge the ordinary *ad valorem* stamp fees leviable on the institution of suits, on applications for filing *Panchayat* awards.

The consequences of this have been disastrous, and the working of many arbitration Courts (or *Lavad* Courts as these are now popularly called,) in different parts of this Presidency, has been considerably impeded.

The Association pray that applications for filing *Panchayet* awards be exempted from stamps.

THE ACADEMY hears that the collection of Oriental MSS. left by the late lamented Dr. Haug has been purchased from his widow for the Royal Library of Munich, for the sum of 17,000 marks. This important collection, which was brought together by Dr. Haug during his protracted stay in India, consists of choice Zend, Pehlevi, Pazend, and Persian MSS. relating to the Zoroastrain religion, and of several hundred Sanskrit MSS. Some of the MSS. are very ancient ; and it seems a pity that the collection was not secured by our Government.

FRIDAY, 18TH MAY.

AT THE LAST meeting of the Asiatic Society was read "a note on copper plate grant from the Cuttack Collectorate," by Babu Rungalal Bannerjea, Deputy Collector. The inscription records the grant of a village in the neighbourhood of Cuttack. The donor was Yajati, the founder of the Kesari dynasty, who expelled the Buddhists and re-established Hinduism in Orissa about the close of the 5th century. Hitherto he has been supposed to have been an independent sovereign ; but in the patent under notice he owns allegiance to Bhava Gupta of Magadha, and hence it would seem that it was a Hindu King of Mogadha who overthrew the Buddhist sovereignty of Orissa, and held the province as a dependency through a vassal. In the Temple records of Puri the Buddhists are represented as Yavanas.

AT the sitting of the House of Commons on the 20th ultimo, Mr. Bennett-Stamford asked the Under-Secretary of State for India if he could lay on the table a return showing the number of Mahomedan soldiers in India serving in all branches of the army—cavalry, infantry, and artillery, and in doing so if it would not be advisable to divide the Sunis and Sheas. The Sunis, he said, looked upon the Sultan of Turkey as the head of their religion, and it was necessary to ascertain how many there were of this sect in the army. The Under-Secretary, Lord George Hamilton said that these returns were not necessary, as there were but few Sunis in the Indian army and as the policy of the Government of India was all along to soften if not to put an end to any religious differences, he did not think that any advantage would be gained by publishing these returns. The hon'ble member who put the question was apparently satisfied with the reply and the subject dropped.

AN APPEAL in the famous Dyce-Sombre case, which has been before the law courts since 1848, went for the last time in appeal before the Judicial Committee of the Privy Council on the 17th April, and was dismissed. Mr. J. D. Mayne, the well-known Madras barrister, appeared on behalf of the Indian Government.

FIFTEEN ladies have recently obtained the degree of Doctor of Medicine from the Woman's Medicine College, Philadelphia.

IT IS STATED that a large public meeting for the purpose of considering the Civil Service question was held on the 29th April at Puna, the Punt Pritinidhi presiding. Resolutions similar to those moved at the Calcutta meeting, were unanimously adopted. While a Maharajah presided at the Town Hall in this city, a Punt Pritinidhi, a noble of most ancient lineage, presided at the Puna meeting. The sympathy of the aristocracy of the country in a movement, in which the middle class are chiefly interested, is highly gratifying.

OUR DACCA CONTEMPORARY states that Babu Hurri Mohun Gangooly, the gymnastic teacher of Dacca, has filed a suit for damages laid at Rs. 600 against Mr. Stack, a Professor of the local College, for calling him a damned cheat and dunce.

THE MAHARAJA of Travancore has passed a law for the suppression of bigamy. The first clause of the Regulation runs as follows :

Whoever having a husband or while living marries in any case in which such marriage is void by reason of its taking place during the life of such husband or wife shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

SATURDAY, 19TH MAY.

WE ARE GLAD to learn from a contemporary, who has heard by telegram, that there has been heavy rain in Madras. Already a slight fall in the Bombay districts has encouraged the people, and even taken away some of them from the relief works ; so that the news from Madras may be looked upon as satisfactory. In Mysore lately a fall of rain had a singular effect. The merchants at once countermanded the supplies of grain they had ordered, and for some few days there was a marked decrease in the importations.

FROM KHELAT the *Pioneer* learns that Azad Khan of Kharan, notorious for his turbulence and persistent hostility to his feudal superior, has been giving some trouble at Punjgoor and Mekran ; but Major Sandeman is pretty sanguine of bringing him to his senses, and of eventually effecting a reconciliation between him and the Khan.

MR. J. G. APCAR, Barrister-at-law, has been appointed senior Professor of Law at the Presidency College, *vice* Mr. Ingram, resigned. The appointment is generally considered not satisfactory.

WE HAVE RECEIVED the prospectus of a new periodical to be called the *Indian Tea Gazette*. The advantages of this publication are thus set forth in the prospectus : "To the large Tea-shareholding constituency of this country, the establishment of a Journal whose constant object will be the advancement of the special interests concerned, cannot but prove of great advantage ; while to those directly engaged in Tea culture, the opportunities of increased information and interchange of ideas on the many subjects connected with Tea in India, and the focussing and preservation for future reference of valuable matter, much of which now necessarily becomes lost will supply a great desideratum." We wish the project every success.

IN COMMENTING upon the letter of *Junius* in the columns of the *Englishman* the *Leader* justly remarks : "There is one point which should always be borne in mind, but which is carefully forgotten by the enemies of the Bengal Settlement. It is this. When that settlement was originally made, it was all in favour of the Government. So much so, indeed, that a very large proportion of the original zemindars were ruined and compelled to part with their estates. Now-a-days the few who have inherited from their forefathers have decidedly "a goodly heritage," but the majority of landlords have paid a fair market-value for their estates and are little to be envied for their good fortune." Quite so. And those who have invested capital in land have done so in perfect reliance upon the good faith of the Government.

IN THE *Central Provinces Gazette* the Chief Commissioner places on record his deep regret for the death of Mr. Armstrong, Chief Engineer and Secretary in the Public Works Department. "His name," says Mr. Morris, "is associated with every engineering work of importance undertaken in the province since 1867 ; and the success attained in many cases has been largely due to his professional knowledge and experience."

WE ARE GLAD to notice that Babu Prosunno Kumar Surbadhicary, Principal, Berhampore College has been promoted to the third grade of the Educational Service.

WE TAKE from the morning papers the following telegrams of the week :

London, May 12.—In the Commons the debate on Mr. Gladstone's resolutions continues. The majority of the Conservatives urge upon the Government a strict neutrality. The Liberals are divided, some being favorable to the dismemberment of Turkey, whilst other disagree with Mr. Gladstone.

The Turkish account that the Russians unsuccessfully attempted to throw a bridge accross the Danube at Reni, and were defeated, is entirely unconfirmed. The latest advices state that artillery fighting along the Danube continues, and that the Russian batteries at Ibralia have exploded and sunk a Turkish Ironclad with 200 men.

Valparaiso, May 12.—The City of Iquique in Peru has been destroyed by an earthquake.

St. Petersburg, May 12.—Official despatches from Tiflis state that the Russians have arrived at Diyadin, and that the population all along have welcomed them.

London, May 13.—According to telegraphic advice from Reuter's special correspondent at Erzeroum, difficulty in obtaining supplies is hindering the advance of the Russian army the centre of which is encamped on the plain before Kars. Ahmed Mukhter Pacha occupies an impregnable position at Hoghalidagh.

Constantinople May 13.—Turkish official despatches state that a Russian army corps unsuccessfully attached the Turkish entrenchments near Batoum on the 11th instant, and that the Turks gained the victory, having defeated the Russians with great loss, 4,000 being killed.

14.—The Turkish Chamber of Deputies voted an address thanking England for her reply to the Russian circular justifying the proclamation of war. The Roumanian troops have prevented an attempt of the Turks to land at Oltenitza.

St. Petersburg, May 13.—The Russian official despatches state that the Russian troops stormed the heights near Batoum with trifling loss, but that the Turks sustained enormous losses.

London May 15—In the House of Commons Mr. Bourke, replying to a question said that neither France, Germany nor Italy had answered the Russian circular justifying the war. Sir Stafford Northcote, in answer to a question, said that, Egypt being part of Turkey, Russia had a perfect right to blockade Egyptian ports and invade Egyptian territory. A long debate followed, during which Sir Stafford Northcote said that the policy of the Government was strict neutrality and that there was no reason why we should fight as long as our road to India remained untouched. The reply of Lord Derby to the Russian circular justifying the war was he said neither insulting nor provoking, and that the aim of the Government was to keep their hands free to promote the interest of England and the world. Mr. Gladstone's resolutions were eventually rejected by 354 against 223 votes, and the House agreed without a division to Sir Henry Wolff's amendment declaring that "this House declines to entertain any resolution which may embarass the action of the Government in maintaining peace and protecting British interests, without indicating any alternative policy.

The Russian head-quarters have been transferred to Ployesti and their vanguard has entered Oltenitza, Constantinople advices state that a Russian division has crossed the Danube and entered the Debrudscha, and that an engagement with the Turks is proceeding.

The troopship "Euphrates" has arrived at Portsmouth from Bombay.

London, May 17.—Russian official despatches state that five Turkish ironclads have bombarded Soukoum-Kaleh, and attempted to land a force, which however, failed, with the loss of many killed on the Turkish side. The repulse of the Russians near Batoum on the 11th is substantially confirmed.

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Paris May 16.—Negotiations for the renewal of the treaty of commerce between England and France are virtually suspended, the French Ministry feeling unable to press the Chamber of Deputies for an extension of free trade unless England reduces the import duty on cheap wines. Marshal Macmahon in a peremptory letter to the assembly having complained that M. Jules Simson had not defended the Conservative press laws which the Chamber of Deputies repealed on Tuesday, the ministry has resigned. It is rumoured that Marshal Macmahon leans towards the Conservative party. Much excitement prevails in Paris.

London, May 13.—Russian official despatches state that the Russian troops have captured two Turkish outworks at Ardahen, and made a reconnoisance of Kars, the garrison of which place made a sostie, when a seriously contested engagement ensued, during which both sides lost many men in killed and wounded. The Turkish authorities are supplying arms to circassia. The Kashgar Envoy has arrived in London. Parliament will be closed during the Whitsuntide holidays until the 31st instant.

Paris, April 18.—The French Ministry is not at all popular.

WE BEG to acknowledge with thanks the receipt of the following publications and periodicals :—1. The Practice of Medicine in Bengali, by Babu Harinarayan Banerjea, Assistant Surgeon. 2. The Kayastha Ethnology, by Munshi Kalipersad Srivastava Dusre, Lucknow. 3. History of Bijni Dynasty, by Taripersad Sen, Gowalpara Assam. 4. Account of Mudduumohun Kabiraj's Bengali Dispensary, Calcutta. 5. Records of the Geological Survey of India, Vol. X. Part II. 1877. 6. Report of the Administration of the Meteorological Department of the Government of India for 1875-76. 7. Seventeenth Report of the Bengal Christian Family Pension Fund, for 1876. 8. Journal of the Asiatic Society of Bengal, Part II. No. 1. 9. Select Idiomatic Phrases, by Saratchunder Chatterjea, Allahabad. 10. Saddarsana-Chintanika, Vol. I. No. 5. 11. Mahavaratha Adiparva, by Pertapchunder Roy, distributed gratis. 12. Report on the Meteorology of India in 1875, by Henry F. Blanford. 13. Report of the Vizagapatam and Backergunge Cyclones of October 1874, by J. Elliot. 14. Annual Report Trade and Navigation Returns of India for 1875-76. 15. Report of the Gaols of the Central Provinces for 1876. 16. Abstract of the Full Bench Rulings of the Calcutta High Court. By Babu Hareekishore Roy. 17. Trade and Navigation Returns of India for March 1877. 17. Prachin Kavi Sangraha. By Gopal Chunder Banerjea.

The Hindoo Patriot.

MONDAY, MAY 21, 1877.

BREACH OF FAITH.

THE Government of Bengal stoutly maintains that the imposition of the Public Works Cess on the permanently settled estates in Bengal is not a breach of the Permanent Settlement. Its advocates in the Press do not deny that it would be a breach of the Permanent Settlement, but they justify it. It is enough for our purpose that they admit the breach of faith ; we will briefly examine the arguments which have been advanced by them by way of justification. Last week we referred to the letter of a correspondent in the *Englishman* on the subject under the *nom de plume* of *Junius*. This writer starts by quoting Blackstone. He says : "One of the maxims or established rules for the construction of statutes is that 'Acts of Parliament derogatory from the power of subsequent Parliaments bind not.' Blackstone in his Commentaries says : 'The legislature, being in truth the sovereign power, is always of equal, always of absolute authority ; it acknowledges no superior upon earth, which the prior legislature must have been, if its ordinances could bind a subsequent Parliament.'" This is certainly a sound constitutional maxim, but the writer forgets that the Permanent Settlement is not a law, open to modification from time to time, but a covenant sanctioned by law. It was a contract entered into by the State with the land-owners in Bengal just as any other contract, which has been or may be entered into by the State with any individual or body of men. The State for instance has entered into a contract with the fund-holders stipulating that it shall pay them a certain rate of interest for a certain term of years for money advanced. Would not the State render itself open to a charge of breach of faith, if it should reduce the rate of interest before the expiration of the stipulated time ? What was the argument of Mr. Pitt, when in 1798 he proposed to impose the income tax on the English fund-holder. The House of Commons was divided in opinion, but a majority assented to Mr. Pitt's view "that when a general assessment upon income is to take place, no distinction ought to be made as to the sources from which that income may arise—and that no fair objection could be taken by the stock-holder." The key to Mr. Pitt's theorem was contained in this, "when it is no longer in the power of the stock-holder to say, I could avoid this tax by removing my property from the funds to landed security, or to trade, every argument against including him in the assessment is withdrawn." Thus his primary argument was that the fund-holder was to be taxed in common with the holder of other property. He did not argue that the fund-holder alone should be taxed. A special tax upon the income of the fund-holder derived from the funds alone would have been a violation of the contract of the State with him. But the Public Works Cess is a special tax upon the land alone, and therefore involves a breach of the Permanent Settlement. It is no argument to say that the ryots will be assessed in common with the zemindars, or that the house will be taxed with the land. The estates permanently settled comprise all interests in the land, whether represented by the zemindar, the under-tenure holder, or the ryot, and the inclusion of the different interests in the land within the purview of a special tax does not fulfil the condition which in Mr. Pitt's opinion, endorsed by a majority of the House of Commons, justified the imposition of the income tax upon the fund-holder. It cannot be argued that "it is no longer in the power of the land-owner to say, I could avoid this tax by removing any property from the land to funds or trade," for the Cess is not general. But there is judicial opinion that the taxation of the public creditor is not justifiable. This was the decision of the Supreme Court of the United States in the case, in which the power of the Maryland State to tax the public credit or was raised. The case is quoted and commented upon by Dr. Story in his Commentaries. (Bk. III., cap. 14.) The Court held, on general grounds, that so to tax the public creditor was unconstitutional. But leaving aside this argument we submit that there is no parallel in the history of taxation in the civilized world, in which a special tax has been laid upon any property in respect of which the State has entered into a compact exempting it from taxation. Take for instance the Railway guarantee. Would the State be justified to withdraw that guarantee in disregard of its contract ? A contract is contract, and we submit it is no more open to the State than to the private individual to break it without reaping the consequence, we mean loss of credit, not to mention other things.

Then as to the supremacy of the Legislature we certainly bow to the maxim. We admit as Blackstone says, "the Legislature being in truth the sovereign power, is always of equal, always of absolute authority," but what was the character or constitution of the Legislature which the great commentator contemplated ? He referred to the British Legislature, which represented the people in the aggregate. It was the people, who through their representatives in Parliament made the laws, and surely the people had every right to change any law they thought proper. If the Legislature resolved to do away with any covenant with the nation, it would do so with the consent of the nation. But the position of the Indian Legislature is quite different. The people have no voice in legislation ; it is true that for some years past some native members have been admitted into the Legislative Councils, but they are not elected by the people but nominated by Government. They may be representative men ; they may rightly represent the opinions and feelings of the people, but they are a standing minority. So in no sense can it be contended that the people have a voice in legislation. No analogy between the Legislatures of England and India can therefore hold good. Besides, the Government of India is a foreign Government, and it is therefore of the greatest importance that the good faith of the Government should be kept with the people. The *Englishman* quotes Lord Derby's later utterances about the binding character of treaties. His Lordship says : "Nothing can be more probable in European diplomacy than the recognition of the fact that treaties do by the lapse of time and the force of events become obsolete. I do not think it would be a fair or satisfactory conclusion to come to, either that you must be eternally bound by a treaty, made long ago under conditions wholly different from those now existing, or that you are to be held guilty of a breach of faith because you consider it to be no longer binding." This is simply an expansion of Mill's dictum that treaties are not eternal. We are quite willing to accept this doctrine, but what follows ? If one nation puts an end to a treaty with another without its consent, it has always the remedy in its own hands. It can, if it choose, enforce the treaty by a recourse to arms. But surely our contemporary will not argue that the subject should do any overt act for the enforcement of a covenant on the part of the sovereign power. He would be preaching sedition if he were to lend himself to any such argument. There being no equality between the subject and the sovereign, the abrogation of a covenant by the sovereign as one of the contracting parties without the consent of the subject, the other contracting party, necessarily involves a breach of faith. *Junius* says : "What is reason in one reign, is treason in the next. All the curses hurled against Popery by prior Parliaments, all the disabling Acts and restraining Clauses, have proved futile to bind subsequent Parliaments, or prevent the disestablishment of the Irish church ; and yet the cry of breach of faith was then loudly raised. But the cry breach of faith was no taunt or reproach to those who had made no promise, and the march of reason prevailed. Who can deny that the present English Parliament have every legal and moral right to disestablish the English church to-morrow, if they so choose ? How far greater a shock would this be to security and long enjoyment than the repeal of the Permanent Settlement ! Permanent Settlement is binding, then the Crown, the legislature, has some superior, and is not absolute. But if it has a superior, then it cannot make a law. Thus, from a legal point of view it is an absurdity to say that the Permanent Settlement cannot be revoked ; and legality and morality have the same centre, though not the same circumference, and one follows on the footsteps of the other." But as we have pointed above the fabric of this reasoning breaks down when it is remembered that the Government of England is representative, whereas that of India is despotic, that in England it is the nation which makes the laws, whereas in India it is a foreign power, which legislates. The conditions of legislation in the two countries being different, the analogy cannot hold. If the people had a voice in the administration of India, would they have by a "juggle of names" transferred an item of expenditure from the imperial fund to the local fund, and consented to tax a particular class of property, which Mill holds is tantamount to confiscation ? The will of a despot is law, but our despotic Government is tempered by the rules of civilized law and morality. Now the civilized law and morality equally require that where the people have no voice in the government of the country, good faith should be preserved with them. It is the sheet anchor of its power. At least this is oriental nation. If the Zemindars who accepted the Permanent Settlement in 1793, had the slightest suspicion that the compact might be broken by the successors of Lord Cornwallis any time they liked, would they have agreed to it, when the immediate consequences to them were so disastrous, or would other capitalists, who staked their fortunes in land, solely relying upon the good faith of the Government, have either done so or paid a high price without securing a sufficient margin to meet the State demand in future upon the land ? Lord Lytton at Delhi told the Imperial Assemblage that he represented a sovereign, whose words had never been broken. Now *Junius* does not deny that Her Majesty's word would be broken if the Permanent Settlement be abrogated by the imposition of the Public Works Cess upon the land alone, but he justifies it. On the other hand the Bengal Government holds as we have said above that the Cess is not a breach of the Settlement. This difference of opinion is edifying. The Government and its advocates being at variance with each other as to the legal bearing of the Cess, the position of

the people who complain we submit is the stronger for it.

THE HIGH COURT AND THE EXECUTIVE GOVERNMENT.

WE gave in our last the substance of the papers in the Fuller case. That case has been discussed thread-bare, and we will not therefore reopen it. The greatest interest, however, attaches to the papers in so far as they involve the question of the position and independence of the High Court. We observe that the view, which the Government of India and the Secretary of State have taken, coincides with what we wrote on the subject in our issue of the 16th October last, and that view rightly understood, we humbly, does not go against the independence of the High Court. We wrote:

"As to the relations between the High Court and the Government they are distinctly defined by law and practice. The High Court is the highest tribunal in the land, and in its judicial functions it is amenable to the control of Her Majesty alone, which is exercised through the Privy Council. No other earthly authority can interfere with its judicial proceeding. But the Executive Government has its share of authority upon the High Court. Then the High Court is required to submit to the Government of India an annual report of its own operations and those of the Courts below it. The Government is quite competent to pass its opinion upon the report, and it does record such opinion. Then the Government can call for returns, statements, and opinions upon measures affecting the administration of justice. Even in judicial matters the Governor General and the Lieutenant Governor as the representatives of the Queen can exercise the prerogative of mercy in any case, even in opposition to the views and wishes of the High Court. Sir Barnes Peacock once contended that the Lieutenant Governor had no power to release a prisoner without taking the opinion of the High Court, but in this view we believe he was not supported by the Secretary of State. The prerogative of mercy belongs to the Crown, and the High Court has no right to fetter it. Then the Executive Government as the responsible ruling authority in the land is bound to take notice of the conduct of business in the High Court as well as other courts. If a High Court Judge neglects his duty and absents himself without leave, it is the duty of the Chief Justice to report him to Government and the Government is quite competent to call upon him for explanation. The Executive Government has, however, no authority to suspend a judge of the High Court. It should report him to the Secretary of State and await Her Majesty's pleasure. The High Court as a Court of supervision has control over all the subordinate courts, but if a District Judge misbehaves, it must report him to Government. It cannot directly take any action in such a matter. The High Court has thus two-fold functions, judicial and executive. As the expositor of law and dispenser of justice, it is not in any way subject to the control of the Executive Government either here or in England. Its decisions are open to revision only by Her Majesty in Council. But there is no Minister of Justice in this country. The High Court performs this function. As the supervising and controlling authority over the Subordinate Courts it performs an executive function, in which it is fully amenable to the criticisms and control of the Executive Government. For instance if the High Court in passing a judicial decision gives a construction of law, which is not in accord with the opinion of the Government, the latter has two courses open to it—it can carry the decision before the Privy Council or pass a declaratory law correcting the interpretation of the High Court. This the Government has done whenever there has been necessity for either of the two courses. But suppose the High Court in the exercise of its power lays down a scale of process fees too exhorbitant or unreasonable, the Government we think can ask the High Court to modify the scale, because it is a matter of an executive character. The executive and judicial functions of the High Court being thus distinct, it cannot rightly be contended that the independence of the High Court is compromised because the Government criticises its opinions, returns, and proceedings, which emanate from it in an executive capacity."

The Government of India in its despatch to the Secretary of State remarks:

By Act of Parliament the Governor General in Council is charged with the "superintendence, direction and control of the whole Civil and Military Government" of British India, subject in turn to the control of the Secretary of State in Council. The Governor General in Council is, therefore, the only authority in British India invested with the entire responsibility of every department and function of Government. There can be no question that the administration of justice is one of the most important functions of Government. Misbehaviour in the charge of judicial functions, from whatever cause proceeding, brings the administration of justice into contempt, and nothing is more calculated to derange the social order which it is the special duty of the Government to preserve.

Each of the High Courts in India is invested with some important executive functions within its own province. The High Courts Act gives to them the superintendence over all subordinate Courts; with power to call for returns, and, subject to the control of Government, to make rules for practice besides performing other acts of supervision. They have also been invested by Acts of Indian Legislature with divers controlling powers; and, in the case of some minor Civil Judges with powers of punishment. They are, therefore, an important portion of the executive administration of the country.

We are quite unable to find in the High Courts Act, or in any Charter, an intention to substitute the High Courts for the Government of India in that portion of the administration which consists of reviewing or controlling the acts of the Magistracy. There is no power there given to them of appointing, promoting, removing, suspending, or in any way punishing (except that reproof may follow upon superintendence) any Subordinate Magistrate whatever. It can hardly be supposed that the Legislature meant to leave the whole power of reward and punishment in the hands of one authority, and the whole power of commendation, reproof, and advice in the hands of another.

We are equally unable to see how, in the Acts or Charters relating to the High Courts, anything can be found to show that their executive action enjoys immunity from comment, whether by the Governor General in Council, as contended by the Court or by all other authorities, as contented by the Chief Justice. If it were so, there might be any degree of supineness on the part of a High Court, or refusal to use the powers committed to them, and yet not a word could be said, according to one view, by the authority responsible for the whole Civil Government of India, and, according to the other view, by any authority at all. With regard to the language of the High Courts Act respecting the appointment of Judges, on which the Court seem disposed to lay stress, we should rather say that if it has any bearing at all on the present question, it would when read by the light of the history of the English judicature, lead to a conclusion very different from that drawn by the High Court.

Unless, therefore, we are otherwise instructed by Your Lordship in Council, we shall continue to act on the principle that it is our duty, in the ultimate resort and in adequate cases, to censure and to punish flagrant miscarriages of justice; and to comment, when necessary, on the course of the administration of justice in India. We are sensible of the delicacy of this power, and we feel assured that the Government of India will never use it wantonly or indiscreetly.

The Secretary of State says:

"In censuring Mr. Leeds, and in expressing your regret that the authority responsible for doing so did not bring his proceedings under judicial review, Your Excellency was dealing with purely executive functions, which it is your special province to control. The fact that these functions are, by an exceptional arrangement, partially committed to the High Court does not, in my judgment, alter their executive character, or withdrawn them from the superintendence of the Executive Government.

The peculiar character of the duties, however, in respect to which your opinion was expressed, has escaped the notice of the Judges of the High Court, and they have conceived themselves bound to raise the much wider question whether, and how far, the mode in which their judicial duties is performed is a proper subject for the animadversion of the Government of India. The question is not in my view raised by these papers. It is, therefore, now, and I trust will long remain, purely speculative. If, therefore, the Judges had not distinctly requested my opinion on the point, I should have preferred to reserve the consideration of it till the necessity for a decision practically arose."

So far we do not see that the view of the relations between the High Court in its administrative or executive capacity and the Executive Government taken by the Secretary of State is opposed to the judicial independence of the Court. The North West High Court urged that the Judges of the High Court hold office during the "pleasure of the Crown," and the Secretary of State accepts that position. He only says that the "pleasure of the Crown" must be represented through its representative in India, that is the Viceroy. Thus the Marquis of Salisbury remarks:

"I gather from some phrases used by the Court, and in his Minute by the Chief Justice, that a distinction is drawn in their minds between the powers vested in Her Majesty and those vested in Your Excellency. This distinction may be sustained when applied to any act of a formal character. A Judge might obviously decline to accept his dismissal from Your Excellency alone, and might ask to be assured that Her Majesty's pleasure had been taken; but in any case it could be only through you that such an intimation could be conveyed. The expression of approval or disapproval on Her Majesty's behalf to Her servants who hold office at Her pleasure, is one of the most important functions with which you are charged. You fulfil it in conformity with your instructions and subject to your responsibility to the Crown. But it does not appear to me that any person holding Her Majesty's Commission can claim to be informed of Her pleasure, in any more direct or authoritative way than by a communication from the Viceroy."

And we must confess the Secretary of State is right.

As regards the Fuller case, it was the High Court's fault that it laid itself open to the reproach of the Supreme Government. In the article referred to above we remarked:

"The question stands thus. The Government of India had called for a report upon the case from the local Government, which again invited thef opinion of the High Court on the decision of the Joint-Magistrate. The High Court should have refused to give an extra-judicial opinion; it ought to have told the local Government that it was not bound to give any opinion unless the case was put judicially before it. In fact it was no part of its functions to give opinion on regularly decided cases *excathedra*. The law gave power to the Government to move the High Court in the matter, and to apply for an order to call upon Mr. Fuller to shew cause why he should not be tried on a graver charge or to call upon Mr Leeds to shew cause why he should not have committed the case to the sessions. Such proceedings are not unknown. We have lately had an instance in Bengal in the Fenua cases. The High Court has passed an order calling upon Mr. Webster and his companions to shew cause why they should not be tried under graver charges. Sir Barnes Peacock in more than one case made District Magistrates and Judges shew cause why their judgments should not be quashed, and why they should not have done certain things, which they had not done. But the Judges of the North West High Court had not chosen to adhere to their legitimate functions and thus maintain their own dignity, and they have therefore now no right to complain of the criticisms which the Governor General in Council has thought fit to pass upon their extra-judicial opinion."

The Chief Justice in a manner admits that the High Court was wrong in expressing an extra-judicial opinion. His Lordship says: "The Court's opinion was simply asked as a matter of courtesy, and in accordance with a practice on the part of the Local Government of consulting the Court simply by letter where any legal difficulty was experienced in its administration—a practice, however, which I have often felt was open to many objections. Of course the Court is not bound to answer such enquiries, but the disposition of the Judges is always, if possible, to assist the Government, although they generally keep in view the possibility of the matters so submitted to them being brought before them in their proper judicial capacity." And if the Court was not bound to give an extra-judicial opinion, it ought not to have given it. The Government of India points out that if the High Court had passed a judicial decision in the case, they would not have certainly called it into question. They draw a distinction between the judicial and executive functions of the High Court, and says: "Upon that distinction we have to observe that, in the present instance, we have carefully guarded ourselves from expressing any opinion on the substantive law of the case; that is to say, we have expressed no opinion as to what was the legal nature of the offence of which Mr. Fuller should have been found guilty upon the evidence ultimately received by the Court. The learned Judges have bestowed some attention on that question, but we do not consider it relevant to the discussion." It was thus the High Court dug the hole for itself.

We only regret that one important question was not raised in this controversy, *viz.*, the control of the judicial machinary in the country. In the article cited above we wrote: "As for the power of the Government to question judicial decisions of Courts below, that power has frequently been exercised by it. We know in Calcutta the Government has repeatedly commented on the judgments of the Magistrates on the ground that the punishment has been too severe or too inadequate. But we do not think that this is quite constitutional. Whenever the Government is dissatisfied with the decision of a judicial officer, he be a criminal or civil officer, it ought to lay it before the superior tribunal for opinion. The

independence of the bench ought to be complete. In our opinion no Subordinate Judge ought to be removed from office without a formal trial by the High Court. Nowhere is the necessity for protecting judicial independence greater than in this country. Here we have no Parliament to keep the Government under a wholesome check; here the press is weak and not often attended to; here the people have no spirit to protest against abuse of power; and here the executive are too apt to override the law and to swamp the judiciary. If the position of the executive and the judiciary be properly defined in connection with the Fuller case, the outcome will be a decided gain to the public." This is a most important point connected with the administration of justice. The Government should have certainly executive control over the Subordinate Judges and Magistrates, but the High Court performs the function of Minister of Justice, and all executive proceedings in respect of the subordinate judiciary and magistracy ought to pass the through the High Court. Then the independence of the Mofussil bench would be assured.

PROPERTY IN LAND IN BENGAL.

I.

THE *Statsman* is making much political capital of an old Memoir on the landed tenures of Bengal by Mr. Sheristadar Grant, which our contemporary says "he picked up at a distant station in the Mofussil in an old quarto form, stained and discolored and perishing, for the sum of four annas." In this paper he conceives he has discovered the *secret* history of the Permanent Settlement, which is that the zemindars were originally office-holders, and that the Government with a view to save these men the jurisdiction of the Supreme Court declared them proprietors of the soil! This is certainly original information, but if this be true, then we must take it that the Indian Government, the Court of Directors, the Ministers of the Crown and the Imperial Parliament, had entered into a most foul conspiracy to defeat a few lawyers by sacrificing the most momentous interests of the nation. But we have too high a faith in the character of the English Government to cherish for a moment such a low estimate of it as this English writer insinuates. But our contemporary has seen only one side of the shield. We will venture to invite his attention to the other side of the shield. It is notorious that Mr. Sheristadar Grant did not acknowledge the proprietory right of the zemindars. His dissertation was answered by Mr. C. W. Boughton Rouse in a book replete with stubborn facts and authentic statements, a perusal of which will convince any candid reader as to whether or no the zemindars of Bengal had an hereditary property in land. This book was published in 1791, that is two years before the Permanent Settlement, and dedicated to Mr. Henry Dundas. In his dedication he says:

"Your mind, I know, has long been satisfied on the subject of the hereditary title of the Zemindars to the lands, which have been continually occupied by them, and their ancestors; nor less upon the expediency of confirming them, even if their positive claim were dubious. But as suggestions have lately been propagated, as well in as out of parliament, to impeach the validity of this doctrine; which might produce mischievous effects, both here and in India, if suffered to operate unnoticed upon the public opinion: I thought it might not be useless to examine the original question of property and descent by the test of facts, which had their existence before the establishment of the British sovereignty in Asia. I imagined there might be many persons, who would wish to trace this question farther back than our own experience could carry us, or even the examples of our immediate predecessors in the government of Bengal: and that I might enable them to pursue such an inquiry most advantageously, not by quoting the speculative opinions given at any time by British subjects in the course of official duty, but rather by bringing the historical Records of India and Europe into one connected argument, which might be deduced principally from a careful examination of documents already before the public, or in my own possession, and usefully illustrated by analogies drawn from other governments.

It will be seen from the above that Mr. Rouse has taken the greatest trouble and care in collecting his facts. It would seem that the object of the writer was chiefly to answer Mr. Sheristadar Grant. He thus remarks in the introductory chapter:

"For my own part, the farther I have carried my inquiries, the more firmly I am convinced, that the state, in which we received the rich provinces of Bengal Behar, and Orissa, was a general state of hereditary property; modified certainly according to the nature and customs of the government which has prevailed there; but nevertheless existing, with important benefit to the possessors, according to the universal sense of the people, sanctioned by the constant practice of the native princes, and established by immemorial usage from one end of the country to the other.

I did imagine, that this question had received its decision by the common assent of all political parties in the kingdom, resulting from the minute, examinations which had been made into the subject, at a period when correct local knowledge was attainable; and by the voice of several statutes passed by the two last parliaments in the years 1871 and 1874:—in which, amongst many salutary regulations, the Zemindars, and other landholders, are distinguished from persons holding mere official nominations, and marked as a class of men eminently intitled to the national protection. I had therefore concluded, that they would have been permitted to enjoy, in gratitude and security, that protection held out to them by the legislature of Great Britain; and should have feared to injure their cause by renewing the discussion, had not the subject been again introduced to the public consideration, in a Tract lately published under the singular title of *Inquiry into the nature of Zemindary tenures in the landed property of Bengal &c., by J. G. late Serrishtadar of Bengal.* I must do this gentleman the credit to say, that his sentiments are here delivered without any tincture of party spirit; or personal invective; except only against the great Mahomedan and Hindoo officers. whose opinions have been quoted in a very able performance of Mr. Francis, relating to the revenues and tenures of Bengal. By attempting to demonstrate, that the Zemindars, and other landholders of Bengal, have not, nor ever had, any claim of hereditary property; and that they ought to be considered as financial servants only, employed to collect the ground rents of the sovereign as proprietor, or, as the title expresses it having a *tenure in* his landed property; Mr Grant would seem to invite this country to retract its plighted faith in their favor. I have not a doubt, that he wishes to establish this opinion out of sincere zeal for the public interest and administration, which he imagines would be benefited by annihilating such supposed property. I confess my cordial wishes and endeavors—as far as the endeavors of an humble individual could avail in a great national object,—have gone to promote a contrary system: and as no circumstances have hitherto produced any alteration in my sentiments; I find myself impelled by the importance of the occasion to declare, that I differ from him fundamentally in many articles of fact, justice, and expediency but shall endeavor to offer such remarks as the subject may require from me, with every possible respect to his industry and abilities."

Mr. Rouse thus describes the situation in which the British Government found the zemindars:

It appears upon a reference to all the correspondence of the times, and is universally known, that when the dewanny of the three provinces was ceded to us, the country was distributed amongst the Zemindars and Talookdars, who paid a stipulated revenue by twelve instalments to the sovereign power, or its delegates. They assembled at the capital in the beginning of every Bengal year (commencing in April) in order to complete their final payments, and make up their annual accounts; to settle the discount to be charged upon their several remittances in various coins for the purpose of reducing them to one standard, or adjust their concerns with their bankers; to petition for remissions on account of storms, drought, inundation, disturbances, and such like; to make their representations of the state, and occurrences of their districts: after all which they entered upon the collections of the new year; of which however they were not permitted to begin receiving the rents from their own farmers, till they had completely closed the accounts of the preceding year, so that they might not encroach upon the new rents, to make up the deficiency of the past.

In many instances the Zemindars were left unmolested in their several districts, and free from all check or interference. But when they were remiss in their payments, officers of government were deputed under various titles, like the *Cononicarii* and *Compulfores* of the Roman revenue in the time of the emperors; whose duty it was, to prevent any misapplication of the money collected by the Zemindar, and his agents dispersed over every part of the country. For with them only rested the whole business of letting the lands, keeping the subsidiary accounts, and collecting the rents from the villages

and they were, in all ordinary matters, independent of the interference of the superior government.

Increases were sometimes made upon the former year's revenue: not however, in consequence of any local scrutiny or valuation of the resources of any Zemindar; but by a rateable assessment, called month's or 12th parts upon the former jummah, or standard rent. They were levied for various purposes; sometimes public, sometimes private; which it would be superfluous now to exemplify: and in course of time, these proportionable assessments were gradually consolidated into the established rent of the Zemindar, who cleared himself by a repartition upon the cultivators, and subordinate landholders.

In a very few years after the British administration had commenced, principle was assumed, that the state had a right to the entire produce of the land leaving to the Zemindars certain allotments called Nankar, which have been probably supposed to be infinitely more considerable than they were. In consequence, various investigations were made into the measurement of the land and village accounts, to the great vexation of the Zemindars; their districts were afterwards let in farm to the highest bidder, and they were totally excluded, unless where they preserved their power and possession by collusion with a nominal farmer: and in consideration of their exclusion, a pension was allotted to them in ready money; not. as far as I can find, by any fixed proportion to the amount of revenue yielded by their Zemindary, but probably according to personal favor, or supposed situation in respect of family, religious establishments, or other circumstances. In this I speak of the greater Zemindars: for to all the smaller ones, the allowance was fixed at one-tenth of the gross produce, which has always been the established rate in Bahar. At present the Zemindars are generally, and had been for some years past, restored to the possession of their lands.

Since the English acquired the Dewany of Bengal the fiscal administration of the country naturally engaged their best attention. Mr. Rouse says: "The same internal mode of administration was continued, and the land-holders felt no material change. Even in 1769, when a local scrutiny into the lands was instituted, no idea was held out, that the Zemindaries were not hereditary. In the year 1773 the Bengal Government thought it right to ascertain the laws and usages of the country upon this important article so as to lay down an established rule in all cases, that might occur. For this purpose, they formed four questions in writing, which were proposed to certain distinguished natives who were thought qualified from their eminent situations and known experience, to furnish just and respectable solutions, I cannot describe their competency for this duty required of them, so well as in the words of Mr. Francis. He says, that from their offices in Bengal "they must be supposed to have a perfect knowledge of the laws and customs of Hindoostan, and of the established policy of the Mahomedan government. The Roy Royan and Canongoes are competent judges of the custom of the country, and of the usage of the former government. The Pundies are the expounders of the Hindoo laws. Mahomed Reza Khan, Naib Subah of Bengal, is appealed to for the law of the Coran, and the policy of the Mogul conquerors; and Rajah Shitab Roy, Naib of Patna, proves the custom of Behar." We give the questions and answers below:

"Questions on the subject of the inheritance of Zemindaries, proposed by the President and Council of Bengal in the year 1773.

To the Nabob Mahomed Reza Khan, Naib Dewan and Naib Subahdar of the province of Bengal;

Maha Rajah Shetab Roy, Naib Dewan of the province of Behar.

The Roy Royan, and the Canongoes of the Khalfa;

And the Pundits or learned Bramins, who were assembled at Calcutta by Mr. Hastings, and there employed in compiling the code of Hindoo laws, translated by Mr. Halhed:—with their respective answers.

1st. Upon the death of a Zemindar, does the Zemindary belong to his son, or to the king, who may give it to whom he pleases? Can the son of a Zemindar of himself take possession, and enjoy the Zemindary; and is the king's Sunnud necessary or not?

2d. When a Zemindar has no son, and only a daughter, can she of herself take possession of the Zemindary or not?

3rd. In a Zemindary there are two brothers. The elder had possession of the Zemindary. Afterwards his descendants regularly for four generations enjoy the Zemindary, and die without heirs; the younger brother's grandson's grandson is in being, though none of this

line were before in possession. In this case, does the Zemindary (agreeable to the Shaster,) come to him, or belong to the King, who may give it to whom he pleases?

4th. A Zemindar dies—afterwards his descendants by some means, have not had possession of the Zemindary. In this case after how many generations will the Zemindary revert to the government?

Answer 2nd to Question 1st.—According to a received opinion of famous magistrates, a son is, after the father's death, proprietor of his estate, and can of himself take possession of his Zemindary; but if for the sake of establishing his credit, and to get his name enrolled in the records, he shall procure a Sunnud from the King, it will be of no signification, either one way or the other. Should a Zemindar, notwithstanding a real ability in his district, be backward in the payment of his rents; or appropriate them to his own use, or be guilty of oppression on the Ryots; the King, or the ruling Magistrate, may in that case appoint some one of his relations, or should be not have any, a person not his relation may be appointed his gomastah or agent, to have the management of the revenues, and to preserve the contentment of the Ryots, provided the Naukar and established perquisites are at the same time paid to the Zemindar. But a Zemindar's inheritance cannot be transferred to another. Should he be guilty of any capital crime, such as murder or robbery, it will be the duty of the Magistrate to inflict upon him such punishment as is decreed in the Coran.

Answer 2nd to Question 2nd.—In case of a Zemindar's having no son, a daughter is, according to the opinion of famous Magistrates, heir to his Zemindary; but should he have a son, and other heirs, his daughter in that case is heir only to her own share, as is decreed in the Book of God. In case of the daughter's not paying her malguzary, the King or the ruling Magistrate has a right to appoint some one of her relations; or should she have none, any other person, as her gomastah, or agent, to have the management of the revenues in her behalf, paying to her at the same time, her Nankar and established perquisites.

Answer 2nd to Question 3rd. According to the opinion of famous Magistrates, any one of the descendants of a younger brother, as far as his grandson's grandson has certainly a right to the Zemindary. In case of his not being able to discharge his Malguzary, the King, or ruling Magistrate, has a right to appoint some one of his relations, if he has any if not, any other person as his gomastah or agent, allowing him at the same time his Nankar and established perquisites.

Answer 2nd to Question 4th. According to the opinion of famous Magistrates the heirs of a Zemindar, even should they never have been in possession of the Zemindary after the zemindars death, have in reality still a right to it; but the King or ruling Magistrate may, inorder to serve a particular purpose of policy, either place one of them, or any other in the Zemindary, and receive the revenues from them, provided the heir of the Zemindar is allowed his established perquisites. But the Zemindary does not revert to Government.

Remarks.

Zemindaries are of different kinds, some of them subsisted previous to the introduction of the Mahomedan religion, into this country, whose proprietors having acknowledged their subjection, and agreed to pay their rents to the Mahomedan Emperor, were accordingly continued in their possessions:

A second kind is those which have been cleared of jungle, and cultivated from a barren desert state, the Zemidars of which are called jungle Burs.

A third kind is those which have been purchased.

A fourth kind is, those which have been granted as a free gift.

Besides the foregoing kinds, there is another kind called Sunnuddy Zemindaries, of which are the following, viz.

The first is when the king grants to any person a certain quantity of waste jungly land, to be by him brought into a state of cultivation, after which he pays rent for it to Government.

A second kind is when the King or ruling Magistrate turns out a Zemindar without fault or reason, and gives a sunnud for it to another.

A third kind is when a Zemindar dies, and some person makes a representation to the King of his being dead without heirs, and obtain a Sunnud for his Zemindary, of which he keeps possession for some generations till at length the proper heirs appear.

A fourth kind is when a principal Zemindar arbitrarliy usurps the possession of other small Zemindaries, and afterwards applies the King or the ruling Magistrate for a Sunnud for the same, who grants him one in consideration of his paying a Nazerannah.

A fifth kind is, when a Zemindar dies without heirs, and the King for some time keeps his Zemindary khas, but at length grants it to another for a Nezerannah.

With the kinds of Zemindaries mentioned in the 1st, 2nd, 3rd, and 4th Articles of the above remarks, as well as in the 1st Article of Sunnuddy Zemindaries the King has no further concern, than the receiving of his rents. Of those the Zemindar is the sole proprietor and master, and the degree of power which the King has secularly acquired over them has already been explained.

The Zemindaries mentioned in the 2nd, 3rd, and 4th Articles are a kind of public offices.—Should an heir of the original proprietor step forth and assert his claim, it will then behove the king or his Naib, to restore him to his right; but should there be no heir of the original proprietor remaining, it will then be in the king's own disposal.

The kind of Zemindary mentioned in the 5th Article is no more than a temporary office, liable to be given away to whosoever the King pleases. But the principal duty of a King is the administration of justice; and both for the sake of stability in his dominions and inspiring his subjects with a confidence in his administration, whenever he gives a Sunnud to any persons for a Zemindary, either according to the spiritual or temporal laws, the longer he remains steadfast to his orders, the better. As the King is the Supreme Magistrate, a frequent reversal of his orders is destructive of all confidence, and a slight upon his own authority.

Answer from Maha Rajah Setab Roy.

Answer 1st. When a Zemindary dies his son succeeds to the zemindary, according to the custom of the soubah of Behar, but the King is entitled to the revenue of it.—The great Zemindars for the sake of the greater security, receive a Sunnud from the kings. The King never grants one, but to the lawful heir. In case this heir is not able to pay the revenue, he may sell the Zemindary, which becomes the right of the buyer: but it is necessary, that he should receive a Sunnud.

Answer 2nd A daughter can inherit the Zemindary, provided her father bought it and put in possession with the testimony of his relations before his death. If the Zemindary descended to him from his ancestors, it becomes the property of their descendants and not of his daughter. If there are no such descendants, it is then the right of the daughter.

Answer 3rd. If none of the eldest brothers line is living and the Zemindary descended from the late Zemindar's ancestors, it is the right of the descendants of the younger brother. If the late Zemindar himself bought it and during his life time appointed no heir, it doubtless devolves to the King.

Answer 4th. In case after a Zemindar's death—his son happened not to obtain possession of it; when they afterwards appear, and claim it, and are ready to pay the revenue, the king's officers, considering their hereditary right will give them possessions, even after some generations. The revenue belongs to the King but the land to the Zemindar.

Answer from the Roy Royan and Canongoes.

1st. After the death of a Zemindar, the Zemindary devolves to his son. Although the country belongs to the king, and he may indeed give it is neither conformable to the justice, nor to the custom of the country that he give it to any other, in case the deceased Zemindar had left a son. The son has a right to take possession of his father's Zemindary, but it is usual for the son of a Zemindar, after his father's death, to repair to the presence, and present a Nuzzer to the king, that a new Sunud may be made out in his name; for until he can produce a Sunud, the Mutsuddees and other officers of the Sircar will not acknowledge him as Zemindar; therefore it is necessary that he should procure a Sunnud.

2nd. A daughter does not succeed her father in the Zemindary during the life time of her mother, unless the father has expressly appointed her (in his Will) to be his heiress: but she takes possession before either her father's or brother's or brother's son. It is necessary, that she should obtain a Sunnud, which it is customary for the King to grant, she cannot of herself, take possession of the Zemindary.

3rd. If the Zemindar have behind him two sons the descendants of the youngest, in case the family of the eldest is extinct, become entitled to the Zemindary provided the last of the family of the eldest appointed them his heirs by will; otherwise the king may indeed grant it to them as a favor but is at liberty either to keep it himself, or to confer it on whomsoever he pleases.

4th. Dispossession is by many different ways. Should any Zemindar dies during the minority of his son and none of his agents are of sufficient credit to repair to the King's presence, give security for the Malguzary, and obtain Sunnuds. and should any of the Zemindar's co-partners, or any one else either by his intrigues at Court have obtained a Sunnud and acquired possession of the Zemindaree or been invested in it by virtue of the King's authority, without any apparent fault on the part of the deceased Zemindar's sons or in case those sons should die without ever having had possession of the Zemindaries, and a grandson of the Zemindars should claim the Zemindary he will in those cases be entitled to it both by the laws of equity, and right of inheritance. Should the Zemindar's son have not been able to discharge the revenue or have otherwise offended against his Majestey; in that case it is his Majesty's prerogative to dispose of it to whomsoever be pleases. If after the Zemindar's decease none of his sons or grandsons should ever have been in possession of the Zemindary, it in that case devolves to the King.

Answer from the Pundits,

1st. Upon the death of a Zemindar the ground belongs to his son as also all his other effects.

Whether or not Kings Sunnud is necessary to put him in possession is not written in the Shaster.

2nd. Should this Zemindar's have neither son nor wife nor grand son nor great-grand-son his daughter will enjoy the Zemindary.

3rd. Descendants of the younger brothers according to the Shaster will succeed to the Zemindary.

4th. While there remain any sons or other descendants or heirs the Zemindary will not fall to the Government. When there are no heirs then it will fall by.

(Signed) by
Banessur Shurmun.
Kirparam Shurmun.
Krishna Keshub Deb Shurmun.
Seetaram Deb Shurmun.

Here we stop to-day. We invite our contemporary to compare the above with the *secret* history of the Permanent Settlement, which he has been so fortunate in stumbling upon. Perhaps he will allow that the public testimony of the highest native revenue authorities of the day, official and un official, who had not the remotest idea that the proprietory right of the zemindar would be called into question after a hundred years, has much greater weight than the "secret" information of Mr. Sheristadar Grant.

THE BENCH AND THE BAR.

ALL'S well that ends well. We reported last week a scene between Mr. Palit, Barrister-at-law, and Mr. Pellew, Magistrate of Hooghly, which resulted in a motion to the High Court. On Monday last, the Court, consisting of the Chief Justice, Mr. Justice Markby, and Mr. Justice Prinsep, sat to hear Mr. Pellew on the rule issued, calling upon him to shew cause why the fine imposed by him upon Mr. Palit for Contempt of Court should not be remitted. Mr. Bell, the Legal Remembrancer, appeared for Mr. Pellew, and Mr. Branson for Mr. Palit. After setting forth the facts of the case Mr. Bell remarked:

"Mr. Pellew authorises me to say that had he understood Mr. Palit to mean, as I understand him to mean, that he was sorry if any conduct on his part had unwittingly given rise to this unfortunate altercation, he would at once have accepted the apology.

Unfortunately the Magistrate thought that Mr. Palit meant that he was sorry for the Court if it was so foolish as to put an unfavourable construction on his (Mr. Palit's) conduct. It seems to me that the construction which the Magistrate put upon these words was a construction which the words will not fairly bear, and I therefore must express my regret on the part of the Magistrate, that Mr. Palit's expressions of regret were not accepted in the spirit in which they were offered."

Mr. Branson said "that when he moved the matter in this Court, he had hoped that some such happy conclusion as that they had arrived at would be come to." He continued:

"Much had been said with regard to an apology stated to have been made by Mr. Palit to the Magistrate.

He thought it was a misuse of the term "apology" to apply it to what Mr. Palit said in the Lower Court.

Mr. Bell explained that he had particularly made use of the words "expressions of regret" to avoid misconception.

Mr. Branson was glad to hear the learned Counsel qualify the term.

(The Chief Justice observed that he did not think Mr. Branson need be afraid of using the word apology.)

Mr. Branson thought that apology would imply that offence had been intended. Mr. Palit had done what he could to explain that he never meant to give offence. It would have been wholly against the interests of his client for Mr Palit, at the very in-

LOCAL.

BRITISH INDIAN ASSOCIATION.

The Twenty-fifth Annual General Meeting of the British Indian Association was held at the Hall of the Association on Saturday, the 12th May 1877, at 4-30 P. M.

Rajah Degamber Mitter C. S. I., Vice-President in the chair.

The following Report of the Committee was read:—

REPORT OF THE COMMITTEE.

The Committee submit a report of their operations for the year 1876.

THE LATE VICEROY.

In April last Lord Northbrook, Viceroy and Governor General, left these shores after a career of four years. His Excellency's administration, though limited to four years only, was distinguished by many acts of wisdom and beneficence, for which his memory will be cherished with grateful feelings by the people of this vast empire. He relieved the national mind of the anxiety and restlessness induced by over-activity, over-legislation, and over-taxation of the previous administrations. To preserve the memory of the distinguished services of the late Viceroy the community at a public meeting assembled in this city, which it was the pleasing duty of the Committe, to promote, voted him an address and a statuee Agreeably to the wishes of Lord Northbrook expressed on the occasion of the presentation of the address, the general committee of the Northbrook Memorial have resolved to apply the balance that might remain after defraying the expenses of the statue to some useful or charitable object.

THE NEW VICEROY.

In accordance with custom the Committee waited in deputation upon the new Viceroy, Lord Lytton, with an address of welcome and congratulation. They were received with great kindness and cordiality by His Excellency. To the remarks of the Committee in the address that "it is the generous principle of English rule to govern the people in unison with their sentiments, feelings and opinions, and it has consequently been our proud privilege to place our humble views and suggestion, elucidating the wants and wishes of the community, for the consideration of Government," his Lordship was pleased to reply saying that "nothing, however, can better promote those efforts for the continued security and increasing prosperity of the empire which will certainly be made by myself and my honorable colleagues than the hearty support of unofficial but influential bodies such as the Association which you so worthily represent." His Excellency concluded by observing that "we shall at all times be willing to consider your views and suggestions on those subjects to which your attention has been given, knowing, as we do, that the true interests of the people and its government are identical."

INDIAN LEGISLATION IN PARLIAMENT.

Bills affecting the interests of India are now so frequently introduced in Parliament that it has become necessary that the attention of the Indian public should be directed to them. During the Session of 1875 several measures concerning India and Indian questions were introduced in Parliament, and though most of them were unimportant bills they deserved the consideration of the Indian public, but for this they had no opportunity, as they were introduced and passed within a short time in the same session. Of the several bills introduced the most important was the one relating to legislation in India. It sought to regulate the powers of the Legislative Councils of India. It evoked much discussion both in England and India and was reserved for the next session. With reference to this subject the Committee addressed Mr. Fawcett soliciting his opinion as to the course to be adopted to secure the people of India a hearing in Parliament on the Indian legislative measures that may be introduced therein. They dwelt in their letter on the disadvantage to the people of this country of not having access to the Parliamentary bills, which are published in the *London Gazette*, and which are not ordinarily available to them, and on the fact of their being passed into law within a few weeks of their introduction. They enquired whether the rules of Parliament would allow the introduction of an Indian Bill in one session, and its discussion and enactment in the next. In that case the Bill on its introduction might be published in the *India Gazette* for general information in India. It might also be worthy of consideration whether the introduction of Indian Bills might not be so arranged as to make it obligatory upon the mover to bring them forward in the beginning of the session and to allow at least three months' time from the second reading, publishing them at the same time in the *India Gazettes* so that the people of India may have an opportunity of studying the contents of every bill and making a representation regarding the same. As Indian Bills are for the most part introduced by the Secretary of State for India, the Committee enquired whether Parliament could not be induced to pass a resolution authorizing him to publish the Indian Bills in India at least three months before introduction into Parliament.

Mr. Fawcett favoured the Committee with his opinion as follows:—

"In principle I quite agree with your suggestion that Bills affecting India, after having been introduced should not be read a second time until a sufficient period had elapsed for them to be considered in India. I suppose the Government, however, would urge against such a proposal that it might not unfrequently happen that such a delay of legislation would be prejudicial. Still it seems to me that it would be possible to provide for these exceptional cases. It is too late in the session to attempt to do any thing in the matter at present. I will, however, in the recess consider the subject and communicate with you upon it."

LEGISLATION IN INDIA.

DRAMATIC PERFORMANCES BILL.—The objections to some of the provisions of this Bill which the Committee submitted on the requisition of the Government of Bengal were briefly set forth in their last half-yearly report. They were to the effect that the existing law afforded ample power to the executive in preventing objectionable dramatic performances, which might be of a scandalous or defamatory nature, or might have a tendency to excite feelings of disaffection to the Government, or to corrupt persons present at such performances, and otherwise prove prejudicial to the interests of the public. As regards persons aggrieved by any dramatic performance, the Committee submitted, they had ample remedy in the provisions of the Indian Penal Code, and if they neglected to avail themselves of that remedy, it was not the duty of the State to suppress a dramatic performance with a high hand. The ten-planters who felt aggrieved by the drama called *Chakur Durpun* might have obtained redress by having recourse to the law in the same way as the Indigo Planters did with reference to the *Nil Durpun* or the Mirror of Indigo. There was such a vagueness and indefiniteness in the section providing against performances otherwise prejudicial to the interests of the public that any officer charged with the administration of law could suppress any drama by his dictum that its performance was prejudicial to the interests of the public. While the Committee deprecated State interference with the amusements of the people except where they set at defiance morality and decency, they recommended the plan of licensing theatres in the way printing establishments were licensed. They recommended that the Bill might provide for the licensing of theatres maintained for gain, and if any play or performance be found to be scandalous and defamatory or likely to excite feelings of disaffection to the Government or to be obscene or immoral, the offender of the same should be brought to justice by a regular trial under the existing law.

The hon'ble the law-member of the Council in moving that the report of the Select Committee on the above Bill be taken into consideration, referred to the representations which he had received from the outside public expressive of opinion adverse to any legislation on the subject. With reference to the memorial from this Committee, Sir Arthur (then Mr.) Hobhouse observed, "that the paper which was sent in by the British Indian Association argued at length against the whole principle of the Bill, and he thought it a very temperate, clear, and able statement of their side of the case. At the same time he did not find in that paper any general considerations which were not fully present to the minds of the Council when this Bill was sent into Committee." The criticisms which he accepted and upon which he recommended alterations and modifications in the Bill were those which related (1) to the places of performance and to the circumstance that according to that wording of the Bill there might be interference with a purely private entertainment given by a gentleman to his own friends; (2) to the apprehended interference with religious ceremonies which might not commend themselves to Western ideas of propriety; (3) to the vagueness of the words in the Bill "otherwise prejudicial to the interests of the public" after specifying the varieties of mischief which an objectionable play might occasion; (4) to spectators who might be present at a prohibited performance and who were placed on the same footing with the performers and the proprietor of a play-house. With reference to the first point the objection has been obviated by providing that the plays which might be prohibited were those which were to be performed in a public place, the second by providing that nothing in the Act should apply to any jatras or performances of a like kind at religious festivals, the third by striking out the general words and limiting the offence to specific cases, and the fourth, by enacting that spectators might be punished if guilty of wilful disobedience to an order of prohibition. Thus the Bill has been passed into law after material alterations which have divested it of most of its objectionable features.

PRESIDENCY MAGISTRATES' BILL.—*Second Petition.*—In this petition the Committee recapitulated the powers exercised by the Justices of the Peace appointed by Commission and by the Police Magistrates of Presidency Towns under the laws in force. The highest punishment which a Magistrate could inflict under those laws was imprisonment for six months and a fine of Rs. 200. They also referred to the speech of Sir Lawrence Peel in the late Legislative Council, when it was proposed by Act XIII. of 1856 to enlarge the jurisdiction of the Police Magistrates of Presidency Towns. Sir Lawrence Peel said that it was a mistake in giving to a single Justice the power of convicting summarily in so many instances as those described in the Bill. It would be much better, he added, that two Justices should sit together in all such cases, and that if there was a gentleman of the bar in the Commission, he should be one of a quorum, in such cases, that is, necessarily a member of the Court.

Under the amended Bill the power of the Police Magistrates of Calcutta extended to sentences for two years' imprisonment including solitary confinement and fine to the extent of one-thousand rupees, allowing appeal to the High Court only in sentences involving imprisonment for a term exceeding one year or a fine exceeding five hundred rupees. The summary power of the Presidency Magistrates was therefore quadrupled with appeal under certain conditions and doubled in all.

The Committee further represented the inconvenience and hardship that would attend the virtual abolition of trial by jury in all cases in which the sentence would extend from above six months to two years. As regards the provision of appeal to the High Court in cases in which the sentence would exceed one year's imprisonment or five hundred rupees fine, it would be virtually inoperative from the circumstance that as the law had been framed the record of the Magistrate would be altogether meagre, insufficient and incomplete. The Magistrate moreover would have the power of frustrating the prospect of an appeal by limiting the sentence to less than one year's imprisonment or five hundred rupees fine. There was no analogy, it was urged, between the powers exercised by the Mofussil Magistrates and those of the Presidency Town Magistrates, for the evils of higher powers exercised by the former were mitigated by the right of appeal allowed to defendants in every case in which the punishment might exceed one month's imprisonment and fifty rupees fine. The Committee further observed that the necessity for the enlargement of the powers of the Magistrates of Presidency towns was not apparent as the limits of summary jurisdiction hitherto exercised by them had worked satisfactorily. If the object was to lighten the work of the High Court Judges far better that the numerical strength of the Judges of the High Court should be increased than that the present safe-guard of justice should be removed. They finally submitted that while the magnitude of the offences brought within the jurisdiction of Presidency Magistrates had been considerably increased, the conditions which would attend the trial of such offences were not such as to satisfy the ends of justice. In the first place these offences would be triable by an inferior agency, secondly, the absence of record incidental to summary trials was calculated to withdraw the incentive to careful and sifting investigation on the part of subordinate courts, thirdly, many of the offences referred to in the Bill would not have the benefit in a summary trial of that sifting investigation and analysis which their importance and gravity demanded.

With slight modifications the Bill has been passed into law, but they are not such as to divest it of its objectionable features. Sir Arthur Hobhouse in the course of the debate which followed the motion for passing the Bill, referring to the 2nd memorial of this Association, said: "The paper I should say is a very well-written one, very interesting from its history of the law, and it has exercised great influence on the deliberations of the Select Committee, and has had a considerable share in moulding the Bill into its present shape." But the result does not seem to be so satisfactory as was expected from this statement of the learned Law Member.

RAILWAY BILL.—In October last the Committee received a communication from the Government of Bengal requesting an expression of opinion on the part of the Association on the proposed enactment to consolidate and amend the law relating to Railways in India.

The Committee in their reply stated that as a consolidated measure in which material alterations had not been introduced, it did not call for many remarks. They contented themselves, therefore, with noticing two or three points. First, the powers proposed to be given to the authorities of a railway whether they be Government officers or officers of a private company to detain or sell any goods if the sum due for conveyance were not paid on demand were a little excessive and somewhat unreasonable. It would be highly prejudicial, the Committee urged, to the interests of the public to detain and sell other goods than those for which a sum might be due and at any future time when such "other goods" might come to the possession of a Railway Company or Government. The lien which the

line were before in possession. In this case, does the Zemindary (agreeable to the Shaster,) come to him, or belong to the King, who may give it to whom he pleases?

4th. A Zemindar dies—afterwards his descendants by some means, have not had possession of the Zemindary. In this case after how many generations will the Zemindary revert to the government?

Answer 2nd to Question 1st.—According to a received opinion of famous magistrates, a son is, after the father's death, proprietor of his estate, and can of himself take possession of his Zemindary; but if for the sake of establishing his credit, and to get his name enrolled in the records, he shall procure a Sunnud from the King, it will be of no signification, either one way or the other. Should a Zemindar, notwithstanding a real ability in his district, be backward in the payment of his rents; or appropriate them to his own use, or be guilty of oppression on the Ryots; the King, or the ruling Magistrate, may in that case appoint some one of his relations, or should be not have any, a person not his relation may be appointed his gomastah or agent, to have the management of the revenues, and to preserve the contentment of the Ryots, provided the Naukar and established perquisites are at the same time paid to the Zemindar. But a Zemindar's inheritance cannot be transferred to another. Should he be guilty of any capital crime, such as murder or robbery, it will be the duty of the Magistrate to inflict upon him such punishment as is decreed in the Coran.

Answer 2nd to Question 2nd.—In case of a Zemindar's having no son, a daughter is, according to the opinion of famous Magistrates, heir to his Zemindary; but should he have a son, and other heirs, his daughter in that case is heir only to her own share, as is decreed in the Book of God. In case of the daughter's not paying her malguzary, the King or the ruling Magistrate has a right to appoint some one of her relations; or should she have none, any other person, as her gomastah, or agent, to have the management of the revenues in her behalf, paying to her at the same time, her Nankar and established perquisites.

Answer 2nd to Question 3rd. According to the opinion of famous Magistrates, any one of the descendants of a younger brother, as far as his grandson's grandson has certainly a right to the Zemindary. In case of his not being able to discharge his Malguzary, the King, or ruling Magistrate, has a right to appoint some one of his relations, if he has any if not, any other person as his gomastah or agent, allowing him at the same time his Nankar and established perquisites.

Answer 2nd to Question 4th. According to the opinion of famous Magistrates the heirs of a Zemindar, even should they never have been in possession of the Zemindary after the zemindars death, have in reality still a right to it; but the King or ruling Magistrate may, inorder to serve a particular purpose of policy, either place one of them, or any other in the Zemindary, and receive the revenues from them, provided the heir of the Zemindar is allowed his established perquisites. But the Zemindary does not revert to Government.

Remarks.

Zemindaries are of different kinds, some of them subsisted previous to the introduction of the Mahomedan religion, into this country, whose proprietors having acknowledged their subjection, and agreed to pay their rents to the Mahomedan Emperor, were accordingly continued in their possessions:

A second kind is those which have been cleared of jungle, and cultivated from a barren desert state, the Zemidars of which are called jungle Burs.

A third kind is those which have been purchased.

A fourth kind is, those which have been granted as a free gift.

Besides the foregoing kinds, there is another kind called Sunnuddy Zemindaries, of which are the following, viz.

The first is when the king grants to any person a certain quantity of waste jungly land, to be by him brought into a state of cultivation, after which he pays rent for it to Government.

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A third kind is when a Zemindar dies, and some person makes a representation to the King of his being dead without heirs, and obtain a Sunnud for his Zemindary, of which he keeps possession for some generations till at length the proper heirs appear.

A fourth kind is when a principal Zemindar arbitrarliy usurps the possession of other small Zemindaries, and afterwards applies the King or the ruling Magistrate for a Sunnud for the same, who grants him one in consideration of his paying a Nazerannah.

A fifth kind is, when a Zemindar dies without heirs, and the King for some time keeps his Zemindary khas, but at length grants it to another for a Nezerannah.

With the kinds of Zemindaries mentioned in the 1st, 2nd, 3rd, and 4th Articles of the above remarks, as well as in the 1st Article of Sunnuddy Zemindaries the King has no further concern, than the receiving of his rents. Of those the Zemindar is the sole proprietor and master, and the degree of power which the King has secularly acquired over them has already been explained.

The Zemindaries mentioned in the 2nd, 3rd, and 4th Articles are a kind of public offices.—Should an heir of the original proprietor step forth and assert his claim, it will then behove the king or his Naib, to restore him to his right; but should there be no heir of the original proprietor remaining, it will then be in the king's own disposal.

The kind of Zemindary mentioned in the 5th Article is no more than a temporary office, liable to be given away to whosoever the King pleases. But the principal duty of a King is the administration of justice; and both for the sake of stability in his dominions and inspiring his subjects with a confidence in his administration, whenever he gives a Sunnud to any persons for a Zemindary, either according to the spiritual or temporal laws, the longer he remains steadfast to his orders, the better. As the King is the Supreme Magistrate, a frequent reversal of his orders is destructive of all confidence, and a slight upon his own authority.

Answer from Maha Rajah Setab Roy.

Answer 1st. When a Zemindary dies his son succeeds to the zemindary, according to the custom of the soubah of Behar, but the King is entitled to the revenue of it.—The great Zemindars for the sake of the greater security, receive a Sunnud from the kings. The King never grants one, but to the lawful heir. In case this heir is not able to pay the revenue, he may sell the Zemindary, which becomes the right of the buyer: but it is necessary, that he should receive a Sunnud.

Answer 2nd A daughter can inherit the Zemindary, provided her father bought it and put in possession with the testimony of his relations before his death. If the Zemindary descended to him from his ancestors, it becomes the property of their descendants and not of his daughter. If there are no such descendants, it is then the right of the daughter.

Answer 3rd. If none of the eldest brothers line is living and the Zemindary descended from the late Zemindar's ancestors, it is the right of the descendants of the younger brother. If the late Zemindar himself bought it and during his life time appointed no heir, it doubtless devolves to the King.

Answer 4th. In case after a Zemindar's death—his son happened not to obtain possession of it; when they afterwards appear, and claim it, and are ready to pay the revenue, the king's officers, considering their hereditary right will give them possessions, even after some generations. The revenue belongs to the King but the land to the Zemindar.

Answer from the Roy Royan and Canongoes.

1st. After the death of a Zemindar, the Zemindary devolves to his son. Although the country belongs to the king, and he may indeed give it is neither conformable to the justice, nor to the custom of the country that he give it to any other, in case the deceased Zemindar had left a son. The son has a right to take possession of his father's Zemindary, but it is usual for the son of a Zemindar, after his father's death, to repair to the presence, and present a Nuzzer to the king, that a new Sunud may be made out in his name; for until he can produce a Sunud, the Mutsuddees and other officers of the Sircar will not acknowledge him as Zemindar; therefore it is necessary that he should procure a Sunnud.

2nd. A daughter does not succeed her father in the Zemindary during the life time of her mother, unless the father has expressly appointed her (in his Will) to be his heiress: but she takes possession before either her father's or brother's or brother's son. It is necessary, that she should obtain a Sunnud, which it is customary for the King to grant, she cannot of herself, take possession of the Zemindary.

3rd. If the Zemindar have behind him two sons the descendants of the youngest, in case the family of the eldest is extinct, become entitled to the Zemindary provided the last of the family of the eldest appointed them his heirs by will; otherwise the king may indeed grant it to them as a favor but is at liberty either to keep it himself, or to confer it on whomsoever he pleases.

4th. Dispossession is by many different ways. Should any Zemindar dies during the minority of his son and none of his agents are of sufficient credit to repair to the King's presence, give security for the Malguzary, and obtain Sunnuds. and should any of the Zemindar's co-partners, or any one else either by his intrigues at Court have obtained a Sunnud and acquired possession of the Zemindaree or been invested in it by virtue of the King's authority, without any apparent fault on the part of the deceased Zemindar's sons or in case those sons should die without ever having had possession of the Zemindaries, and a grandson of the Zemindars should claim the Zemindary he will in those cases be entitled to it both by the laws of equity, and right of inheritance. Should the Zemindar's son have not been able to discharge the revenue or have otherwise offended against his Majestey; in that case it is his Majesty's prerogative to dispose of it to whomsoever be pleases. If after the Zemindar's decease none of his sons or grandsons should ever have been in possession of the Zemindary, it in that case devolves to the King.

Answer from the Pundits,

1st. Upon the death of a Zemindar the ground belongs to his son as also all his other effects.

Whether or not Kings Sunnud is necessary to put him in possession is not written in the Shaster.

2nd. Should this Zemindar's have neither son nor wife nor grand son nor great-grand-son his daughter will enjoy the Zemindary.

3rd. Descendants of the younger brothers according to the Shaster will succeed to the Zemindary.

4th. While there remain any sons or other descendants or heirs the Zemindary will not fall to the Government. When there are no heirs then it will fall by.

(Signed) by
Banessur Shurmun.
Kirparam Shurmun.
Krishna Keshub Deb Shurmun.
Seetaram Deb Shurmun.

Here we stop to-day. We invite our contemporary to compare the above with the *secret* history of the Permanent Settlement, which he has been so fortunate in stumbling upon. Perhaps he will allow that the public testimony of the highest native revenue authorities of the day, official and un official, who had not the remotest idea that the proprietory right of the zemindar would be called into question after a hundred years, has much greater weight than the "secret" information of Mr. Sheristadar Grant.

THE BENCH AND THE BAR.

ALL'S well that ends well. We reported last week a scene between Mr. Palit, Barrister-at-law, and Mr. Pellew, Magistrate of Hooghly, which resulted in a motion to the High Court. On Monday last, the Court, consisting of the Chief Justice, Mr. Justice Markby, and Mr. Justice Prinsep, sat to hear Mr. Pellew on the rule issued, calling upon him to shew cause why the fine imposed by him upon Mr. Palit for Contempt of Court should not be remitted. Mr. Bell, the Legal Remembrancer, appeared for Mr. Pellew, and Mr. Branson for Mr. Palit. After setting forth the facts of the case Mr. Bell remarked:

"Mr. Pellew authorises me to say that had he understood Mr. Palit to mean, as I understand him to mean, that he was sorry if any conduct on his part had unwittingly given rise to this unfortunate altercation, he would at once have accepted the apology.

Unfortunately the Magistrate thought that Mr. Palit meant that he was sorry for the Court if it was so foolish as to put an unfavourable construction on his (Mr. Palit's) conduct. It seems to me that the construction which the Magistrate put upon these words was a construction which the words will not fairly bear, and I therefore must express my regret on the part of the Magistrate, that Mr. Palit's expressions of regret were not accepted in the spirit in which they were offered."

Mr. Branson said "that when he moved the matter in this Court, he had hoped that some such happy conclusion as that they had arrived at would be come to." He continued:

"Much had been said with regard to an apology stated to have been made by Mr. Palit to the Magistrate.

He thought it was a misuse of the term "apology" to apply it to what Mr. Palit said in the Lower Court.

Mr. Bell explained that he had particularly made use of the words "expressions of regret" to avoid misconception.

Mr. Branson was glad to hear the learned Counsel qualify the term.

(The Chief Justice observed that he did not think Mr. Branson need be afraid of using the word apology.)

Mr. Branson thought that apology would imply that offence had been intended. Mr. Palit had done what he could to explain that he never meant to give offence. It would have been wholly against the interests of his client for Mr Palit, at the very in-

LOCAL.

BRITISH INDIAN ASSOCIATION.

The Twenty-fifth Annual General Meeting of the British Indian Association was held at the Hall of the Association on Saturday, the 12th May 1877, *at* 4-30 P. M.

Rajah Degamber Mitter C. S. I., Vice-President in the chair.

The following Report of the Committee was read:—

REPORT OF THE COMMITTEE.

The Committee submit a report of their operations for the year 1876.

THE LATE VICEROY.

In April last Lord Northbrook, Viceroy and Governor General, left these shores after a career of four years. His Excellency's administration, though limited to four years only, was distinguished by many acts of wisdom and beneficence, for which his memory will be cherished with grateful feelings by the people of this vast empire. He relieved the national mind of the anxiety and restlessness induced by over-activity, over-legislation, and over-taxation of the previous administrations. To preserve the memory of the distinguished services of the late Viceroy the community at a public meeting assembled in this city, which it was the pleasing duty of the Committe, to promote, voted him an address and a statuee Agreeably to the wishes of Lord Northbrook expressed on the occasion of the presentation of the address, the general committee of the Northbrook Memorial have resolved to apply the balance that might remain after defraying the expenses of the statue to some useful or charitable object.

THE NEW VICEROY.

In accordance with custom the Committee waited in deputation upon the new Viceroy, Lord Lytton, with an address of welcome and congratulation. They were received with great kindness and cordiality by His Excellency. To the remarks of the Committee in the address that "it is the generous principle of English rule to govern the people in unison with their sentiments, feelings and opinions, and it has consequently been our proud privilege to place our humble views and suggestion, elucidating the wants and wishes of the community, for the consideration of Government," his Lordship was pleased to reply saying that "nothing, however, can better promote those efforts for the continued security and increasing prosperity of the empire which will certainly be made by myself and my honorable colleagues than the hearty support of unofficial but influential bodies such as the Association which you so worthily represent." His Excellency concluded by observing that "we shall at all times be willing to consider your views and suggestions on those subjects to which your attention has been given, knowing, as we do, that the true interests of the people and its government are identical."

INDIAN LEGISLATION IN PARLIAMENT.

Bills affecting the interests of India are now so frequently introduced in Parliament that it has become necessary that the attention of the Indian public should be directed to them. During the Session of 1875 several measures concerning India and Indian questions were introduced in Parliament, and though most of them were unimportant bills they deserved the consideration of the Indian public, but for this they had no opportunity, as they were introduced and passed within a short time in the same session. Of the several bills introduced the most important was the one relating to legislation in India. It sought to regulate the powers of the Legislative Councils of India. It evoked much discussion both in England and India and was reserved for the next session. With reference to this subject the Committee addressed Mr. Fawcett soliciting his opinion as to the course to be adopted to secure the people of India a hearing in Parliament on the Indian legislative measures that may be introduced therein. They dwelt in their letter on the disadvantage to the people of this country of not having access to the Parliamentary bills, which are published in the *London Gazette*, and which are not ordinarily available to them, and on the fact of their being passed into law within a few weeks of their introduction. They enquired whether the rules of Parliament would allow the introduction of an Indian Bill in one session, and its discussion and enactment in the next. In that case the Bill on its introduction might be published in the *India Gazette* for general information in India. It might also be worthy of consideration whether the introduction of Indian Bills might not be so arranged as to make it obligatory upon the mover to bring them forward in the beginning of the session and to allow at least three months' time from the second reading, publishing them at the same time in the *India Gazettes* so that the people of India may have an opportunity of studying the contents of every bill and making a representation regarding the same. As Indian Bills are for the most part introduced by the Secretary of State for India, the Committee enquired whether Parliament could not be induced to pass a resolution authorizing him to publish the Indian Bills in India at least three months before introduction into Parliament.

Mr. Fawcett favoured the Committee with his opinion as follows:—

"In principle I quite agree with your suggestion that Bills affecting India, after having been introduced should not be read a second time until a sufficient period had elapsed for them to be considered in India. I suppose the Government, however, would urge against such a proposal that it might not unfrequently happen that such a delay of legislation would be prejudicial. Still it seems to me that it would be possible to provide for these exceptional cases. It is too late in the session to attempt to do any thing in the matter at present. I will, however, in the recess consider the subject and communicate with you upon it."

LEGISLATION IN INDIA.

DRAMATIC PERFORMANCES BILL.—The objections to some of the provisions of this Bill which the Committee submitted on the requisition of the Government of Bengal were briefly set forth in their last half-yearly report. They were to the effect that the existing law afforded ample power to the executive in preventing objectionable dramatic performances, which might be of a scandalous or defamatory nature, or might have a tendency to excite feelings of disaffection to the Government, or to corrupt persons present at such performances, and otherwise prove prejudicial to the interests of the public. As regards persons aggrieved by any dramatic performance, the Committee submitted, they had ample remedy in the provisions of the Indian Penal Code, and if they neglected to avail themselves of that remedy, it was not the duty of the State to suppress a dramatic performance with a high hand. The tea-planters who felt aggrieved by the drama called *Chakur Durpun* might have obtained redress by having recourse to the law in the same way as the Indigo Planters did with reference to the *Nil Durpun* or the Mirror of Indigo. There was such a vagueness and indefiniteness in the section providing against performances otherwise prejudicial to the interests of the public that any officer charged with the administration of law could suppress any drama by his dictum that its performance was prejudicial to the interests of the public. While the Committee deprecated State interference with the amusements of the people except where they set at defiance morality and decency, they recommended the plan of licensing theatres in the way printing establishments were licensed. They recommended that the Bill might provide for the licensing of theatres maintained for gain, and if any play or performance be found to be scandalous and defamatory or likely to excite feelings of disaffection to the Government or to be obscene or immoral, the offender of the same should be brought to justice by a regular trial under the existing law.

The hon'ble the law-member of the Council in moving that the report of the Select Committee on the above Bill be taken into consideration, referred to the representations which he had received from the outside public expressive of opinion adverse to any legislation on the subject. With reference to the memorial from this Committee, Sir Arthur (then Mr.) Hobhouse observed, "that the paper which was sent in by the British Indian Association argued at length against the whole principle of the Bill, and he thought it a very temperate, clear, and able statement of their side of the case. At the same time he did not find in that paper any general considerations which were not fully present to the minds of the Council when this Bill was sent into Committee." The criticisms which he accepted and upon which he recommended alterations and modifications in the Bill were those which related (1) to the places of performance and to the circumstance that according to that wording of the Bill there might be interference with a purely private entertainment given by a gentleman to his own friends; (2) to the apprehended interference with religious ceremonies which might not commend themselves to Western ideas of propriety; (3) to the vagueness of the words in the Bill "otherwise prejudicial to the interests of the public" after specifying the varieties of mischief which an objectionable play might occasion; (4) to spectators who might be present at a prohibited performance and who were placed on the same footing with the performers and the proprietor of a play-house. With reference to the first point the objection has been obviated by providing that the plays which might be prohibited were those which were to be performed in a public place, the second by providing that nothing in the Act should apply to any jatras or performances of a like kind at religious festivals, the third by striking out the general words and limiting the offence to specific cases, and the fourth, by enacting that spectators might be punished if guilty of wilful disobedience to an order of prohibition. Thus the Bill has been passed into law after material alterations which have divested it of most of its objectionable features.

PRESIDENCY MAGISTRATES' BILL.—*Second Petition.*—In this petition the Committee recapitulated the powers exercised by the Justices of the Peace appointed by Commission and by the Police Magistrates of Presidency Towns under the laws in force. The highest punishment which a Magistrate could inflict under those laws was imprisonment for six months and a fine of Rs. 200. They also referred to the speech of Sir Lawrence Peel in the late Legislative Council, when it was proposed by Act XIII. of 1856 to enlarge the jurisdiction of the Police Magistrates of Presidency Towns. Sir Lawrence Peel said that it was a mistake in giving to a single Justice the power of convicting summarily in so many instances as those described in the Bill. It would be much better, he added, that two Justices should sit together in all such cases, and that if there was a gentleman of the bar in the Commission, he should be one of a quorum, in such cases, that is, necessarily a member of the Court.

Under the amended Bill the power of the Police Magistrates of Calcutta extended to sentences for two years' imprisonment including solitary confinement and fine to the extent of one-thousand rupees, allowing appeal to the High Court only in sentences involving imprisonment for a term exceeding one year or a fine exceeding five hundred rupees. The summary power of the Presidency Magistrates was therefore quadrupled with appeal under certain conditions and doubled in all.

The Committee further represented the inconvenience and hardship that would attend the virtual abolition of trial by jury in all cases in which the sentence would extend from above six months to two years. As regards the provision of appeal to the High Court in cases in which the sentence would exceed one year's imprisonment or five hundred rupees fine, it would be virtually inoperative from the circumstance that as the law had been framed the record of the Magistrate would be altogether meagre, insufficient and incomplete. The Magistrate moreover would have the power of frustrating the prospect of an appeal by limiting the sentence to less than one year's imprisonment or five hundred rupees fine. There was no analogy, it was urged, between the powers exercised by the Mofussil Magistrates and those of the Presidency Town Magistrates, for the evils of higher powers exercised by the former were mitigated by the right of appeal allowed to defendants in every case in which the punishment might exceed one month's imprisonment and fifty rupees fine. The Committee further observed that the necessity for the enlargement of the powers of the Magistrates of Presidency towns was not apparent as the limited summary jurisdiction hitherto exercised by them had worked satisfactorily. If the object was to lighten the work of the High Court Judges far better that the numerical strength of the Judges of the High Court should be increased than that the present safe-guard of justice should be removed. They finally submitted that while the magnitude of the offences brought within the jurisdiction of Presidency Magistrates had been considerably increased, the conditions which would attend the trial of such offences were not such as to satisfy the ends of justice. In the first place these offences would be triable by an inferior agency, secondly, the absence of record incidental to summary trials was calculated to withdraw the incentive to careful and sifting investigation on the part of subordinate courts, thirdly, many of the offences referred to in the Bill would not have the benefit in a summary trial of that sifting investigation and analysis which their importance and gravity demanded.

With slight modifications the Bill has been passed into law, but they are not such as to divest it of its objectionable features. Sir Arthur Hobhouse in the course of the debate which followed the motion for passing the Bill, referring to the 2nd memorial of this Association, said: "The paper I should say is a very well-written one, very interesting from its history of the law, and it has exercised great influence on the deliberations of the Select Committee, and has had a considerable share in moulding the Bill into its present shape." But the result does not seem to be so satisfactory as was expected from this statement of the learned Law Member.

RAILWAY BILL.—In October last the Committee received a communication from the Government of Bengal requesting an expression of opinion on the part of the Association on the proposed enactment to consolidate and amend the law relating to Railways in India.

The Committee in their reply stated that as a consolidated measure in which material alterations had not been introduced, it did not call for many remarks. They contented themselves, therefore, with noticing two or three points. First, the powers proposed to be given to the authorities of a railway whether they be Government officers or officers of a private company to detain or sell any goods if the sum due for conveyance were not paid on demand were a little excessive and somewhat unreasonable. It would be highly prejudicial, the Committee urged, to the interests of the public to detain and sell other goods than those for which a sum might be due and at any future time when such "other goods" might come to the possession of a Railway Company or Government. The lien which the

public carriers had on the goods they carried could not be extended to all future goods they might carry without limit of time, without opening a wide door to oppression and mischief. The evil of the measure would be greater if there were no provision made for notice to the owner before the sale of the goods detained. In many cases the owner might be ignorant of the non-payment of the fare which might be owing to the bad faith of his servants, and it would be but proper that he should be apprised of the default by the service of a notice upon him by means of a registered letter, the cost of which might be recovered from him. Secondly, they suggested that every Railway accident whether attended with personal injury or not should be reported to Government, and a copy of such report should also be communicated to the Press to anticipate the circulation of exaggerated accounts of such accidents. Thirdly, as regards the provision for the making of rules for the use of working and general administration of railways the section was so worded that rules made might apply to the public. But as the breach of those rules carried a penalty, it would be unconstitutional to subject the public to penal laws not enacted by the Legislature, they submitted that the section should be so worded as to confine the operation of the penal clauses to the officers of the Railways. Fourthly, they suggested that the penalty upon a male person entering a zenana carriage without a lawful excuse ought also to apply to Railway employes. Lastly, they recommended that a provision ought to be inserted in the Bill against the oft-recurring and loudly complained-evil of overcrowdedness.

The Bill is under the consideration of the Council.

Registration Bill.—This Bill originally aimed at certain verbal amendments and was subsequently converted into a consolidation measure. With reference to the new Bill as amended the Committee observed that the limit of one hundred rupees relating to the registration of documents, creating a right to obtain another document was not apparent. As the clause referred to optional registration no money limit was apparently contemplated. They also suggested the compulsory registration of all documents relating to immoveable property such as mortgages, awards in partition cases, grants, pottas, settlement and such like, as also of all documents relating to immoveable property. Referring to section 21 of the old Act making it obligatory on the part applying for registration of any testamentary document, containing a map or plan of any property, to produce the same plan or map, and as many plans and maps as there might be segments of the same property scattered over several districts, the Committee observed that it would be quite sufficient for the purpose of registration if at the time of registration one copy of the plan was attached to the document registered and another filed in the registration book. If a copy were kept at one registration office, they did not see the slightest necessity of filing copies of the plan at other registration offices. They also suggested that the Registrars be authorised to authenticate all powers of attorney whether they contained or implied an authority to register or not. They further noticed the omission of any provision requiring substitution powers, though such powers were practically recognized. They submitted that this practice should be legalised in cases where substitution was provided for in the original power. The circumlocution process involved in the practice of issuing commissions for the execution of documents by persons exempted by law from personal attendance at registry offices and the return of such documents after execution to the parties presenting them, entailed at present much vexatious delay and trouble, to obviate which they suggested that the District Registrar should be authorized to execute all commissions issued by the Registrar of another district, without the intervention of sub-registrars, either himself or through some officer under him, provided the residence of the person applying for commission be situated within a radius of ten miles from the registry office, and the same practice to be followed by the sub-registrars under similar conditions. Instead of requiring parties presenting a document for registration relating to property situated in several districts to pay a fee of one rupee for every memorandum of such document sent to the several registrars, the Committee suggested the discontinuance of the practice of sending memoranda which involved labor and cost to the public and the substitution of the practice of sending a copy of the Index entry to every sub-registrar in whose jurisdiction portions of any property might be situate.

The Bill has been passed into law with slight alterations.

Calcutta Municipal Bill.—The Committee have already reported the action taken by them with reference to this measure whilst it was before the Bengal Council. They also invited the public for an expression of their opinion on the Bill. At a public meeting convened of this Association it was resolved to present a memorial to His Honor the Lieutenant Governor submitting some suggestions and remarks with reference to the obnoxious clauses of the Bill. Similar memorials were also presented by other bodies to the Lieutenant Governor. The delegates of these bodies as well as this Association were heard by counsel before the Select Committee of the Council, but their arguments under a resolution of the Select Committee was confined to the sections providing for the general control of the Government. The Select Committee recommended some alterations affecting the controlling power of Government over the Municipality. The Bill was passed by the Bengal Council with a considerable modification of the controlling sections, but as other obnoxious sections were not touched, they submitted a memorial to the Viceroy to withhold his assent to the Bill. His Excellency however did not think the objections sufficiently important to justify his vetoing Bill.

Mofussil Municipalities' Bill.—Similar objections existed with reference to some of the provisions of this Bill. The improvements made in the Bill in consequence of the Committee's suggestions and remarks on some of its sections, not having materially changed the character of the Bill, and it having been assented to by the Lieutenant Governor, the Committee memorialised His Excellency the Governor General, who however was pleased to give his assent to the Bill.

Registration of Estates Bill.—In their first petition the Committee pointed out the necessity of a provision for the registration of shares and proportion of shares of proprietors. With reference to the provision authorizing the Board of Revenue to frame rules for the registration of revenue-free lands and the proprietors thereof, the Committee suggested that these rules might be fitly embodied in the Bill itself. About the obligation of the proprietors and managers of estates to furnish certain information in order to enable the Collector to prepare, make, or correct the entries provided by this Bill, the Committee suggested the expediency of relieving the proprietors and managers of this obligation as the information, which the proprietors were not in a position to furnish, could be better obtained from the public records. The information which might be demanded from the proprietors and managers should be confined to their names, the extent of their shares or the name of the estate, and the number of villages comprised in it. The Committee deprecated the registration of rent-free lands and the exemption from registration of estates paying less than Rs. 100. They also suggested that disputes arising from an applicant's possession or succession to an estate by transfer, might be disposed of by the Collector in a summary way instead of by the Civil Court, that they graduated scale of fees might be substituted for the general rule of minimum fee not exceeding one hundred rupees, and maximum fee fixed at one hundred rupees, that fines for omission or neglect of application for registration be not realized until the appeal is disposed of, that copies of extracts from the register may be furnished by the Collector on application by any proprietor, on plain paper, that the time allowed for appeal be extended from 30 to 60 days exclusive of the time taken in getting copies of orders, that officers vested with appellate powers be not of less than 15 years' standing.

In their second petition the Committee chiefly dwelt on the obnoxious provision about debarring parties claiming rent as proprietor, manager or mortgagor of any estate from the right of collection unless their names have been registered, and suggested that the claims of proprietors in possession to receive rent, whose application for registration may be pending, might be recognized. Many of the suggestions made by the Committee have been adopted by the Council.

Agrarian Disputes Bill.—Referring to the rules introduced by His Honor the Lieutenant Governor in connection with the Bill, the Committee remarked in their letter to Government that as regards the power given to the Collector for fixing the rent payable by a ryot on the principle of proportion in suits for enhancement or in suits for abatement of rent, the rule was based on a decision of the High Court which was unworkable. It was open to question whether it was meet to declare that as law which was merely a decision of a Bench of the Court, which might be upset by another bench, the substantive law remaining unchanged. On the other hand the rule of proportion was not consistent with the substantive law and as already observed was practically unworkable. The rule empowering the Collector to fix the rent by determining the share of gross produce presented a difficulty from the circumstance that it was impossible to determine the share of produce unless the rate or share for a village or conglomeration of villages similarly situated or for a particular class of lands was laid down as a general rule. The Committee recommended the omission of the rules for the determination of rent based upon the principle of adjustment adopted by Sir Barnes Peacock. They remarked that owing to the peculiar habits and feelings of the people of this country and their circumstances in life, rent of land in this country had been always regulated by a principle of demand and supply based somewhat upon a different calculation from what obtained in European countries. Instead of the Collector having the discretion of regulating the rate of rent payable by a tenant-at-will the Committee urged the necessity of fixing the proportion by law. They dwelt on the necessity of making the rules more definite to obviate the contingency of ruinous results either to the zemindar or the ryot by the exercise of wide discretion proposed to be given to the Collector who might be swayed by his personal sympathies and antipathies. The Bill has passed with important amendments regarding the adjustment of rent.

The Civil Procedure Bill.—The publication of the 4th number of this important Bill with the report of the Select Committee led to the apprehension that the Bill will be passed into law with all its imperfections and defects before the public have had sufficient time to discuss the various provisions and to express their views upon them. The Committee accordingly applied for time, which was granted. At a general meeting held in January last the views and opinions of the Sub-Committee of draft laws were laid before the members. The violent changes affecting the substantive rights of property were pointed out as well as the many objectionable provisions regarding the execution of decrees. Objection was also taken to the withdrawal of the jurisdiction of the Munsif over suits against the Government and public officers; several other sections of the Bill were also commented upon. A memorial embodying the views and opinions of the Committee was submitted to His Excellency the Governor General in Council. It will be noticed at length in the report of the current year of the proceedings of which it forms a part.

LAND ADMINISTRATION.

Management of Joint-Estates.—The Committee were invited by the Government of Bengal for an expression of opinion on the draft bill on this subject. With reference to the section which proposed to preclude zemindars from suing their tenants and other tenure-holders except through a manager, the Committee observed that it would amount to a sentence of outlawry for the existence of a state of things which was an unavoidable sequence of the law of succession in this country. The evils of joint-management were neither universal nor were they on the increase. It was assumed that joint-estates separately managed must entail hardship and oppression on the ryot. But when the Bill provided that where there was special engagement for separate payment the shareholders might collect separately, the Government, the Committee remarked, indirectly admitted that separate management did not necessarily lead to oppression. The evils incident to the separate management of joint-estates admitted of no easy remedy, and no scheme had yet been suggested by any public officer, any private person or body which would remedy them without producing greater evils, but they would be to a certain extent mitigated by the new Partition Bill and the Bill for the registration of possessory title. The Committee noticed some omissions in the provision for the appointment of a manager of an estate. The question of security, the obligation of the manager to furnish accounts to shareholders, his neglect to collect rents or to pay in the share of income to each shareholder, his misconduct and the like, had been altogether overlooked.

With regard to the question whether the provision of the proposed law should extend to rent payable by Talookdars and other tenure-holders, to zemindars or should be made applicable to rents paid by actual cultivators, the Committee expressed their opinion that it ought to be confined to the latter. The Committee are glad to learn that the Bill has been abandoned.

Advance of Money on Mortgage of Wards' Estates.—The Government of Bengal proposed to modify the existing rules for the management of wards' estates by removing the restriction on the power of the Court of Wards to lend money on mortgage. With this view the Government asked the opinion of the Committee as to the expediency or desirability of the alteration referred to. The Committee after a careful consideration of the question expressed their disapproval of the proposed alteration, as loan transactions involved risk and loss. They further observed that they might involve estates of minors in protracted and ruinous litigation, the Collector himself from his multifarious duties would seldom have leisure to attend to the merits of a transaction but would be guided by the advice of the manager in sanctioning grant of loans, while the manager would not be held responsible for losses resulting from loans. Further, mortgaged property which originally might have been sound and of sufficient value to more than cover the amount advanced on them, might on a sudden suffer a heavy depreciation. Nothing, the Committee submitted, had transpired since the promulgation of the Wards' Act which rendered an alteration of the present rule advisable, and it could not be consistent with the fiduciary duties of Government to burden minors' estates with risks of litigation and loss by depreciation of property. Private trustees when they advanced money on mortgage were held personally responsible for such transactions.

Appropriation of Profits of Wards' Estates.—The Committee after a careful consideration of the principles laid down by Government for the management of Ward's estates and the disposal of their surplus profits were satisfied that they were not conducive to the advancement of the best interests of the wards. The principles laid down by Government were

that, no surplus should be kept beyond such a balance as might be required for working the estate and maintaining the household in fitting style ; that the savings should be spent in improving the estate and for such charitable purposes as may benefit the tenantry ; that the improvement should not be limited to the proprietor's khas estates, but extended also to such as have been alienated by patni and other arrangments. The Committee, in their letter to Government, met the objection to the accumulation of property during the minority of a ward offering a temptation to young men coming of age to extravagance and recklessness, by observing that where there was an inclination to reckless habits the same would be indulged in in spite of the restraint of limited income by anticipating the future return by borrowing at extravagant rates of interest. Unwieldy estates, they remarked, were not injurious to the wards as landed property was not easily convertible into money, and young proprietors were against selling landed property directly on coming of age. Further, the law of succession obtaining in this country had a constant tendency to reduce the bulk of large estates. As regarded public interests small zemindaries are as much liable to mismanagament as large ones, besides small zemindaries tended to make the proprietors rapacious and extortionate. No reluctance on the part of Government as manager of wards' estates to buy lands could restrain the action of the economic principles which tended to the accumulation of property in the hands of capitalists. Accumulation of property during the minority of wards was an advantage as it counteracted the disadvantages consequent on sub-division of estates among several proprietors. The necessity for a large amount of cash or security easily convertible into cash was imperative to meet emergencies arising from drought or inundations, by affording relief to tenants and to pay government revenue. The direction to manage a ward's estate so as to leave just as much surplus at the end of a minority as might be required for working the estate and maintaining the household in fitting style conflicted with the obligation of maintaining schools and hospitals, and spending money on works of improvement for the benefit of the tenantry. For while a young zemindar's estate was thus burdened with a permanent charge the balance might not suffice for his own maintenance and the preservation of his family position. With regard to the obligation of laying out capital on the improvement of properties alienated by Putni and other arrangements the Committee observed that it could not be just to encumber the estate of a ward settled in patni or otherwise alienated with the cost of improvements from which the landlord would derive no benefit or of charitable institutions which ought to be left to his own judgment and pleasure when he would come of age. The Committee accordingly urged the Government to cancel the existing circular of the Board of Revenue regarding the disposal of the surplus profits of wards' estates and to make the duties of the managers of those estates strictly conformable to the fiduciary nature of the management. The Committee are glad to report that the Government has taken a favorable view of their representation and have asked the Board to submit an amended circular in modification of the Boards' circular of 2nd October 1874 referred to above.

PATWARRIS IN ORISSA.—The rules framed by the Board of Revenue at the instance of the Government of Bengal requiring submission of Patwari papers by the zemindars of Orissa had created much anxiety and alarm among the zemindars, in consequence of the expense which the observance of those rules involved and the harassing nature of the duties imposed by them. The Committee were induced to address the local Government on the subject of these rules and on the absence of immediate necessity for their enforcement. They represented that when the orders of Government distinctly declared that in consequence of the heavy expenditure involved in the enforcement of the Patwari rules no steps were to be taken for the appointment of Patwaris until the re-settlement of the province it was desirable to rescind or suspend the rules. The Board's letter to the Commissioner of Orissa to which the Committee referred admitted that the Patwaris were not an indigenous institution, and such eminent revenue officers as Sir Henry Ricketts, Mr. Cockburn, Mr. V. H. Schalch, Mr. Mactier and others held that the Patwari papers were not required and that the expense and trouble which they involved were scarcely compensated by their utility. Statistics, if that was an object with the Government, ought not to be collected at the expense of the zemindars. If the temporary nature of the Orissa land settlement necessitated the collection of the information called for by the rules, the provisions of the Registration Act and the Road Cess papers afforded every facility for obtaining such information. It was to avoid the trouble and expense involved in the collection of statistics provided for in the Bill for the Registration of Title that the provisions relating to statistical information were omitted. When such was the case the Committee expressed their surprise that the local officers in Orissa were pressing zemindars to employ Patwaris and in some places, as in Balasore, were fining them for their reluctance to enter into an agreement for the employment of Patwaris. The Government in its reply stated that there was a misapprehension of facts on the part of the Association. The re-organization of the Patwaris was approved by the Government and the Board in March 1873 ; that a few estates in Orissa required Patwaris to be appointed for them, that in the scattered estates provision would be made from time to time for the appointment of Patwaris as they would come under settlement, that in the estates upon which Patwaris had not been appointed at the time of settlement, the Zemindars themselves were to be required to perform the duties of Patwaris ; that the great majority of estates in Orissa were of the third class and no Patwaris were required for them ; that the Zemindars were at liberty either to appoint a Patwari or themselves to perform the duties of a Patwari. Though His Honor the Lieutenant Governor was not prepared to cancel or withdraw the order, the Committee were informed, that he was desirous that they should operate in such a manner as not to cause needless expense or trouble to the zemindar. With this object His Honor has already sanctioned some modifications of detail and would not object to sanction other modifications if it were shewn that this could be done without any sacrifice of the principle of the system.

THE RENT QUESTION.

In January last the Government of Bengal asked the Committee to express their opinion with reference to correspondence forwarded to them, on the proposal to determine by legislation the principles on which the rent of land should be fixed in the Lower Provinces and on the form which such legislation should take. The Committee in their reply urged an amendment of the rent law and recommended that the competitive rate might be adopted, as the basis for the settlement of claims for rent or where such rate might not be easily discovered a share of the gross produce claimable by the zemindar should be fixed.

In April last the Committee were favored with another minute of Sir Richard Temple having for its object the improvement of the substantive law for the determination of rent. Sir Richard proposed as a measure for the settlement of rent disputes to fix a percentage as the rent of the occupancy ryot on the basis of competition, calculating the value of produce at a certain rate, and to regulate the rent according to the period of occupancy on a graduated scale. Before venturing upon a definite opinion on the principles involved in the above minute the Committee circulated the correspondence on the rent question amongst most of the zemindars and land-owners of Bengal, inviting their opinion on Sir Richard's minute and statistical information relating to their respective holdings as regards the quantity and value of produce. The information called for having been received the Committee addressed the Government of Bengal expressing their views on the proposals made by His Honor the Lieutenant-Governor of Bengal in his minute of April 1876. In this communication they stated that most of the zemindars whom they had consulted complained of the occupancy right, and objected to the sliding scale of rent as illegal and as an unwarrantable encroachment on the just rights of the landlord. In some or most estates in East Bengal the new ryots or tenants-at-will, they stated, paid less rent than ryots of long standing. The Committee reviewed the relative position and rights of both zemindar and ryot anterior to the enactment of Act X of 1859. They also quoted eminent local authorities who supported their view of those rights. With regard to the scheme for the improvement of the substantive law for the enhancement of rent, the Committee pointed out that the inevitable result of the proposed scheme would be the lowering of the existing rents on a large scale. They also observed that as the prior laws made no distinction between occupancy and non-occupancy ryots, the present law did not make any distinction as to the rate of rent payable by the occupancy and non-occupancy ryots. Regarding the several grounds prescribed by the existing law for the enhancement of rent of the occupancy ryot the Committee observed, firstly, the settlement of rent in Bengal had always been a matter of mutual arrangement, regulated by the laws of demand and supply, secondly, the rice-growing lands constituted the bulk of the cultivated area of Bengal, and yielded the crop by the mere scratching of the ground as it were, and as regarded these lands the dictum that the value of the produce or the producing power of the land had been increased by the agency or at the expense of the ryot, did not as a rule hold good inasmuch as the sun and periodical rains renovated the soil annually without any artificial aid except in rare instances, and the value of the produce was regulated by causes independent of the exertions of the ryot, thirdly, the other ground of enhancement referred to quantity of land, but in a country where lands were held by ryots for the most part without written engagements it was difficult to find out the quantity of land, which the ryot might have held at the time the rent was first assessed ; all that was known was the amount of rent paid by him. They lastly submitted that, while they appreciated the lively interest which His Honor evinced in the subject and his earnest desire to do justice to both parties they were constrained to say that the scheme which His Honor had propounded would be attended with grievous injustice to the landlord, and would lead to far greater mischief and jarring of divergent interests than what was now deplored on all sides.

With reference to the above communication the Committee were favored with copy of a letter which the Government of Bengal had addressed to the Government of India on the subject. This communication. will be noticed at length in the next report ; the Committee observe that the Government of Bengal would for the present waive the consideration of the question of the enhancement of rent, but would have an enactment providing for a speedy procedure for the realization of rents in uncontested cases. It would also provide that no claims should be admissible under the Bill except on proof that rents at the same rate had actually been paid in former years, and also that the right and interest of an occupancy ryot should be liable to sale in execution of a decree and should be transferable by private agreement.

ADMISSION OF NATIVES INTO THE INDIAN CIVIL SERVICE.

The Right Honorable the Secretary of State having reduced the age of candidates for the Indian Civil Service from 21 to 19 years, which appeared to the Committee to be seriously objectionable, first on the ground of immaturity of the candidates who at this early age would be drilled up as it were for the examination without having their attainments and reasoning powers sufficiently ripened in the usual course of nature, secondly on the ground that the reduced age would amount to a virtual prohibition to natives of India for competing in England for the Indian Civil Service, as no parent or guardian would venture to send out his son to a distant country when they were not sufficiently competent to take care of themselves, the Committee thought proper to address a memorial to the Secretary of State in which they set forth the grounds on which the alteration of the rules for the Civil Service of India was considered undesirable and inexpedient. The Committee in their memorial to Her Majesty's Secretary of State pointed out that the advantages which it was intended to secure by the reduction of the age of candidates would be more than counterbalanced by the evils which the innovation was calculated to produce. The advantages of a liberal education, they urged, would be better secured by raising instead of lowering the age of candidates, to whom an addition of two years would be an advantage, inasmuch as they in their mature age were likely to better understand their position, and duties, and to be less imposed upon by designing men in this country. But the immediate result of the proposed change would be a lowering of the standard of qualifications. It was further brought to notice that the first batch of Indian Civilians when the age of admission was fixed at 23 were men of high University culture, who almost without exception distinguished themselves far more than their successors. If it was intended to acclamatize the candidates by bringing them at an early age to this country the necessity for so doing was obviated by the facilities afforded by the leave and furlough rules to Civil servants to visit their homes, by steam and electricity which have brought India to comparatively closer proximity to England, and by the large sanitary improvements effected in India. As to the argument that unless the candidates in the event of failure had an opportunity of trying in other paths of employment and occupation, the field of competition would be narrowed, it did not seem to find favor with the parents and guardians of candidates who thought that the new rule would lead to cramming and physical deterioration. These observations applied with tenfold force to Indian candidates, who labored under peculiar disadvantages. In India young men matriculated for entrance into the University at the age of 16. They could not appear at the Little-go examination in less than two years after matriculation, thus professional education whether for law or medicine generally commenced at 19. In order to compete for the Civil Service examination they required at least two years preparation in England, and for this they would have no time unless they proceeded to England immediately after matriculation, and Indian youths at this tender age could not reasonably expect to run the race successfully with English youths in their mother tongue and in their father land in a competitive test. It was also urged that in consequence of the seat of the examination being fixed in England and the inconveniences and hardships attending sojourn to Europe, the number of successful candidates from India who have been able to enter the Indian Civil Service scarcely exceeded eleven in 22 years, and by the introduction of the new rule the door of competition for the Indian Civil Service would be virtually closed to them. To facilitate their admission into the Civil Service and to mitigate the hardship of a journey to England for competition it was suggested that the rule may be relaxed a little in favour of native candidates whose examination may be held in India. To prevent overcrowding of the service with natives it was further suggested that a definite share of appointments might be reserved for them.

APPELLATE BENCHES.

Sir Richard Garth, Chief Justice of the Bengal High Court, drew up a minute on the reform of the appellate tribunals in the mofussil and the constitu-

tion of the proposed appellate benches. His LordshiP favoured the Association with a copy of his minute. Sir Richard based his observations on undisputed facts and upon the matured opinions of judges and other high authorities who preceded him. The defects alluded to in the existing appellate system, His Lordship held, lay in the present law of special appeals and in the weakness of the Appellate Courts in the Moffussil; the last was admitted to be the worst of the two evils. His Lordship did not hesitate to say that unless the Appellate Courts were made decidedly stronger than the Courts of first instance they would do more harm than good. With regard to the Bill proposing restrictions on appeals, the Chief Justice concurred in the opinion expressed by others that the effect of the Civil Appeal Bill would have been to increase the High Court's business very largely. Irrespective of the consideration that any inconvenience to the High Court was a matter of secondary importance in comparison with the interest of suitors, the pressure of business upon the Court which could accomplish a limited amount of work in a given time would be so great as to cause delay and inconvenience to the suitors. The provisions of the Bill involved double work to the High Court in the same cases. Firstly in considering applications whether appeals in certain cases could be allowed or not, secondly, in disposing of those appeals when they were allowed. Another great evil apprehended from the operation of the Bill when passed into law would be that, by restricting appeals the Lower Appellate Courts which were incapable of correcting the errors of the Courts of first instance would be vested with larger powers by facility being given to their decisions in some cases. There were two remedies to these evils, either to abolish the Lower Appellate Courts altogether, and allow appeals to be brought up direct to the High Court or to improve the constitution of the Lower Appellate Courts. The last opinion was maintained by both the Bengal Government and this Association. Sir Richard Garth approves of the scheme suggested by Sir J. P. Grant and would constitute the Courts more strongly by combining three elements, the civilian, barrister and native. As an alternative measure His Lordship considers it desirable that a barrister should be attached to two or more Appellate Benches. The difficulty of immediately supplying the required number of European Judges from the Civil Service might be met by selecting some of the Judges from the Bar, but provision might be made for future adequate supply by a thorough separation between the Executive and Judicial Service and by adjusting their salaries fairly and equally. Sir Richard would not make an invidious distinction between the European and Native Judges by allowing the latter much lower pay. In his opinion the difference in point of salary should be much less than what has been proposed. With regard to the jurisdiction to be exercised by these Courts His Lordship thought that they might be entrusted with the final disposal of appeals in cases up to Rs. 500 in value where the Appellate Court agreed with the Court of First Instance, and in all other cases to Rs. 300 in value, and he would allow an application to the High Court for leave to appeal in cases in which the value of the suit could not be measured in money, or when the suit involved the decision of a question in which the public or a class of the community, were interested; and when there was actual misconduct on the part of the Judges in the Court below. In the event of a difference between the two Judges of the Appellate Court the opinion of the Court of First Instance ought to prevail, but in that case the decision would be final in suits up to Rs. 300 in value. His Lordship lastly recommended that the powers and jurisdiction of these Courts might be enlarged according to the result of the experimental working and the large expenditure involved in these tribunals be met from the accumulation of savings from Court fees.

The Commitee in acknowledging the receipts of the minute observed, that His Lordship's powerful advocacy of the views held by them and which they had from a long time endeavoured to impress upon the Government and the legislature would greatly strengthen their position and help the decision of the question. In addressing Sir J. P. Grant in 1857 on the scheme of composite benches propounded by him, this Association had remarked that "the abstract principle that no degree of efficiency in appellate authority can compensate for gross inefficiency in the courts of original jurisdiction will readily be accepted by all." Since then 20 years had elapsed, the Courts and the bar had considerably improved by the large accession of educated men of great knowledge and ability. It was sometimes remarked by covenanted officers themselves that in the knowledge and practical application of law, the spectacle was not rare of the District Appellate Judge taking a lower position compared with the native judges of the lower courts. This state of things ought to be remedied and the remedy would consist in re-organizing the appellate courts, separating wholly and absolutely the judicial from the executive service, abolishing the present invidious distinction of covenanted and uncovenanted judges, doing away with two sets of judges civil and criminal, classifying the civil judges according to the dignity, importance, and responsibility of their office and giving them salaries accordingly. The native judges who would be associated with the Civil Judges on the Appellate Benches should be made thoroughly independent of their civilian colleague so that no consideration might restrict a free expression of opinion and the exercise of independent judicial action. The reorganization of the Courts should be made on such a catholic basis that knowledge, ability, experience and character might be the only passport to service.

THE DISESTABLISHMENT QUESTION.

In January last the Secretary to the Indian Disestablishment Society addressed the Committee a letter inviting the co-operation of the Association in promoting the objects of the Society. The Committee fully sympathised with the Society and in acknowledging their communication expressed their wish to propose the subject for the consideration of the members. Accordingly at a general meeting of the Association held on the 24th January last Dr. Rajendralala Mittra moved that the Association make a respectful representation to Government for the purpose of withdrawing its connection with the Church establishment of India and withholding all contribution to the maintenance of any ecclesiastical establishment. Babu Rajendralala observed amongst other things that the connection of the Government of India with the Indian Church establishment was a violation of its pledge of religious neutrality. It was inconsistent on the part of the Government which professed a thorough religious toleration and non-interference with the diverse religious systems followed by the various races of Her Majesty's subjects in India to appropriate large sums from the Indian revenues contributed chiefly by the non-Christian subjects of Her Majesty to the support of a Church establishment in whose benefits only a handful of the Christian subjects of the Empress of India participated. At a time when retrenchment was the order of the day it would be most appropriate to consider what departments were fittest for abolition and he thought the ecclesiastical establishment might fitly be brought under retrenchment. The motion was carried *nem con.* The subject is under the consideration of the Committee.

THE CHITTAGONG CASES.

The attention of the Indian public was painfully roused last year by certain arbitrary and illegal proceedings of Mr. Kirkwood, Officiating Magistrate of Chittagong. A respectable native zemindar who held the office of Municipal Commissioner was without provocation insulted at a meeting of the Municipal Commissioners to which he attended by invitation and was ignominiously ousted from the meeting-room; he along with some other native gentlemen of Chittagong was enrolled as Constables and made to mount guard over public latrines at night, he was arrested, placed in custody, and, publicly prosecuted for charges which the highest judicial authority of Chittagong had pronounced to be groundless. The Committee felt themselves called upon in the interests of justice and liberty of the subject to move in the matter. The orders passed by the local Government on Mr. Kirkwood's illegal and arbitrary proceedings in the opinion of the Committee not meeting the necessities of the case they considered it their duty to address the Government of India on the subject. The local Government had contented itself with relegating Mr. Kirkwoood to his substantive appointment of Joint Magistrate, transferring him first to the 24-Pergunnahs and afterwards to Jessore, and expressing general disapproval of his conduct. The Committee in their representation to the Government of India dwelt on the illegal and arbitrary enforcement by Mr. Kirkwood of some bye-laws regarding latrines; on the deliberate insult offered to Babu Lal Chand Chowdhry by turning him out from a meeting-room where he had come by invitation, on the indignity offered to him and other gentlemen of Chittagong by compelling them to mount guard as special constables over latrines and on Babu Lal Chand's illegal arrest and the apparently vindictive criminal proceedings instituted against him. The Committee observed, "that the decision of the Lieutenant Governor shews a want of proper appreciation of he series of arbitrary, illegal and flagrant acts of whicht His Honor himself on the clearest evidence convicts Mr. Kirkwood, and they believe that they give expression to the general feeling of the community, both European and native, when they say that there has been a grave failure of justice, a serious blow to official discipline, a humiliation of the high character of the British Government in the eyes of the people in the very inadequate manner in which His Honor has marked the displeasure of Government with Mr. Kirkwoods' conduct setting at defiance, according to His Honor's own finding, law, justice and morality." The Committee availed themselves of the opportunity to raise some important general questions suggested by the case. First, whether the Magistrate should combine the functions of prosecutor and judge in his own person, secondly, whether some limitation ought not to be put upon the power of the Magistrate to arrest persons upon mere suspicion, and thirdly, whether the District Magistrate should be allowed to be the Chairman of the Mnnicipal Committee.

The Government of India after some five months replied to the effect that "the Governor General in Council feels bound to express the gravest disapprobation of Mr. Kirkwood's conduct in the matter, and is of opinion that he has been leniently dealt with. But under all the circumstances represented, it is not considered necessary to disturb Sir R. Temple's orders or to press any further action against Mr. Kirkwood." With regard to the general questions raised by the Association the Government of India did not think it proper to interfere with the orders of local Government.

RHEDOY PATRO'S CASE.

Rhedoy Pattro, a native of the Bankura district, had a criminal liason with a married woman of the same district named Prio. The woman was subsequently found murdered and Rhedoy Pattro was charged with the murder. The man was tried before the Sessions Judge of Bankura assisted by two Assessors. From the nature of the evidence and the demeanour of the witnesses the Judge acquitted the prisoner, believing that the charge was the result of a conspiracy, but the Assessors found the prisoner guilty. The late Lieutenant Governor deeming that there has been a failure of justice, ordered an appeal to be preferred to the High Court. The Judges of the High Court by whom the appeal was heard had no doubt of the man's guilt and they sentenced him to undergo the extreme penalty of death. Some gentlemen of the bar, deeming the proceeding an anomalous one, the prisoner charged with a capital offence being acquitted by the first court and capitally sentenced by the appellate court, considered that the prisoner was a fit subject of royal clemency. In anticipation of the submission of a public memorial the Committee was moved to apply to the Lieutenant Governor for suspension of the execution of the sentence pending the submission of the memorial. The Lieutenant Governor at first declined to accede to the request, but afterwards suspended the man's execution awaiting receipt of the proposed memorial. The memorial which was numerously and respectably signed expressed an opinion that when the Judge who saw the witnesses and examined them had acquitted the prisoner, there might be doubts about the prisoner's guilt and that the benifit of the doubt ought to be given to him; that though the Code of Criminal Procedure allowed an appeal from a judgment of acquittal, this was the first instance of a man charged with murder and acquitted by the local court of Sessions upon facts and convicted and sentenced to death by a court of appeal. It therefore prayed that the prisoner might have the benefit of the doubt and not subjected to the capital punishment awarded by the High Court. His Honor, for reasons given, did not think that the prisoner was a fit object of mercy, or that there were any grounds for staying the sentence of the High Court.

EDUCATION.

During the year under report a proposal was made by Government for abolishing the Calcutta Normal School and its amalgamation with the institution at Hooghly. The Committee represented to Government that Calcutta being the metropolis of the empire it was desirable that a model school should be located here for the guidance of others less advantageously situated; that when poor students from Hooghly and Burdwan flocked to the Calcutta Normal School it was clear that they enjoyed greater advantages in Calcutta than they did either at Hooghly or Burdwan. The Committee further referred to the advantages enjoyed by the poor students by living in Calcutta and prosecuting their studies in the Normal School, all which they would be deprived of by the abolition of the School. The Government has been pleased to maintain the Calcutta Normal School in its integrety and has intimated that in deciding the question full consideration will be given to the views expressed by the Committee.

ZOOLOGICAL GARDENS.

The Honorary Secretary to the Zoological Gurdens enquired whether this Association would be disposed to contribute towards the establishment and maintenance of the gardens, adding that the President of the Association should be a member of the General Coundcil of the Gardens. In reply the Committee statethat as the leading members of the Association had in their individual capacity subscribed in aid of the Gurdens, who would doubtless be represented in the Council of the Gardens, they did not consider it necessary for the Association to subscribe in its corporate capacity.

RAILWAY CONFERENCE.

Towards the end of October last the Government of Bengal was pleased to forward to this Association a copy of the Resolution of the Government of India in the P. W. D. on the subject of a proposed Railway Conference to be held in Calcutta. The object of the Conference was to read papers and discuss questions relating to the improvement and modification of plans of lines, construction of railway carriages, communication between passengers and train staff, and between guard and driver, and consideration of means to promote the comfort and convenience of railway travellers, wages and allowances to railway employes and pensions bonuses or provident funds for them. Owing to the scarcity in the Southern and Western Presidencies which keeps all railway employes fully employed and their inability to attend the Conference, it has been for the present postponed.

After the report was read the accounts for the past year were laid on the table. On the motion of Babu Boykuntnath Bose, Zemindar, Boroe, seconded by Babu Saligram Sing, Zemindar, Shahabad, the report was received and adopted and the accounts were approved and passed.

☞ *See page 249.*

ception of the trial in which he was appearing for the accused, to have done anything to disturb the calm temper which was so necessary to the administration of justice and the due investigation of the charges against him.

He did not seek to criticise verbal statements, but he preferred to confine himself to the statement of Mr. Palit rendered in the first instance by the Magistrate, and approved of by that officer as substantially correct, the Magistrate simply adding the word "supposed." That word had apparently given offence.

On behalf of Mr. Palit, he would ask their Lordships to accept the expressions of regret tendered by the Magistrate through the Legal Remembrancer.

Mr. Palit was not anxious that the matter should go any further. He had been actuated by no vindictive feeling in placing it before their Lordships, but had done so in justice to his profession and his client. Mr. Palit had only wished that the issue should be tried in the calmer atmosphere of their Lordship's Court without any party feeling.

In conclusion, he hoped that the relations between the Bench and the Bar would always remain as that had hitherto happily been, of the very best and kindest description."

The Court delivered the following judgment:

"Garth C. J. (Markby and Prinsep J.J. concurring.) It is extremely satisfactory to the Court, that this matter, which promised to be somewhat unpleasant in its character, should have been thus amicably disposed of."

Mr. Pellew has acted as any gentleman placed in his position ought to have done; and the Court quite appreciates the proper feeling which has induced him to place himself in his Counsel's hands, and to express regret through his Counsel for the mistake which has occurred.

No doubt, the Legal Remembrancer was quite correct in saying that a slight misunderstanding, in the first instance, was the cause of the results which followed, and which the Court is now called upon to rectify.

Mr. Palit seeing or believing that the witness after he was affirmed, was in communication with the Magistrate, had a perfect right to ask, whether what the witness was saying was supposed to be evidence in the case, because there is no rule which deserves to be better understood than this; that when a witness has once been sworn or affirmed, no communication, which he makes with reference to the subject matter of the inquiry, ought to be kept back from the accused or his counsel.

Mr. Palit, therefore, was perfectly justified in asking the question which he did; and it seems extremely probable from the account of the proceeding which we have before us, that the Magistrate at first did not quite recognize the fact, that Mr. Palit was employed as the prisoner's Counsel.

It is possible that some mistake of this kind may have induced the Magistrate to refuse to answer the question. But be that as it may, the Magistrate was no doubt, wrong in this respect.

On the other hand, Mr. Palit seems certainly to have persisted in his inquiries with considerable pertinacity, which perhaps was not unnatural, although it had the effect of inducing the Magistrate to deal with him in a way which was not justifiable.

No doubt the error arose from a misunderstanding, and Mr. Pellew has acted with great propriety in coming forward, as he has now done, to express regret.

Under these circumstances, all that we have to say is that the order for the payment of the fine must be quashed, and that the fine, if paid, must be refunded.

Richard Garth.
W. Markby,
H. T. Prinsep.

The happy termination of the case was due to the moderation and tact of Mr. Bell. The judgment of the High Court sufficiently vindicates Mr. Palit. We hope it will teach the Mofussil Courts a wholesome lesson. There are Magistrates and Judges, who if we are informed aright, do not quite like the appearance of the Barristers and Pleaders of the High Court, and they do not miss an opportunity to snub them. We do not say that this feeling of jealousy and irritation is general, but there are "Bahaduis," who shew temper whenever any attempt is made, particularly by a native advocate, to keep them within the four corners of the law. To such "Bahadurs" the judgment of the High Court ought to read a good lesson. It is gratifying to observe the *espirit de corps*, which animated the bar in this case. The bar to a man espoused the cause of Mr. Palit as their own, though the aggrieved was not one of their color and creed. If there is any hope of raising the Indians to the level of the Englishman, that hope is derived from such noble feeling of brotherhood, which has characterized the action of the bar in this instance.

ANOTHER INDIAN PILGRIM FROM ENGLAND.

ANOTHER Indian pilgrim, Babu Umesh Chundra Mukerjea, has returned from England. He went to that sacred shrine in quest of knowledge, and has received his reward. We have much pleasure in giving some of the testimonials which he has obtained from some of the high-priests of science at whose feet he learnt. Dr. Allen Thompson, Professor of Anatomy, University of Glasgow, writes:

UNIVERSITY OF GLASGOW,
10*th Dec.*, 1876.

I have pleasure in expressing the very favourable opinion I have formed of the personal qualities and general and professional attainments of Mr. U C. Mukerjea, who has pursued his medical studies at this University for some time, and obtained the degrees of Bachelor of Medicine and Master in Surgery in July of this year.

Mr. Mukerjee is a man of superior intelligence, and is possessed of a mind highly cultivated by long and laborious general and literary study. During the time of his residence in Glasgow, he has devoted himself with great ardour and diligence to the improvement of his professional knowledge, following out, as far as his time would allow, the study of the practical departments with great assiduity and marked success.

I believe Mr. Mukerjea to be well prepared to enter upon the practice of his profession, not only by the acquisition of scientific and medical knowledge, but also by his extremely careful and intelligent judgment, and by his conscientious attention to the discharge of duties devolving upon him. I consider him, indeed, as highly deserving of any professional appointment suited to his stage of advancement in the profession.

Dr. John Young, M.D. L.R.C.S., Edinburgh, Professor of Natural History and Honyman Gillespie Lecturer on Geology, writes:

UNIVERSITY, GLASGOW,
28*th July*, 1876.

Having had frequent opportunities of meeting Mr. Umesa Chandra Mukerjea during his residence in Glasgow, I feel myself entitled to speak of him in very high terms. A most laborious and conscientious student, he has proved himself at his examinations well qualified, so far as professional knowledge is concerned. Of his high culture it is unnecessary for me to speak, save to say that the mental discipline he has undergone is manifest in the facility which it gives him in applying his knowledge to the investigation of new problems. No one, trained as he has been, and possessed of his careful conscientiousness, can fail of success; and I hope he may soon obtain an appointment in which, while adding to his knowledge, he may justify the high opinion in which he is held by his associates.

It would be a pleasure to me to advance his wishes when opportunity offers.

Dr. Simpson, M. A. Professor of Forensic medicine and Clerk of the Senate, University of Glasgow, says:

"I have much pleasure in stating that Dr. Mukerjea was a most diligent member of my class of Forensic Medicine during the winter session of 1875-6. He was very regular in attendance at lectures, while at the various examinations, both oral and written, his mode of answering evinced not only a deep interest in the subject, but also an attentive study of its various details.

Possessed of a gentle and winning manner, Dr. Mukerjea made himself an universal favourite with his teachers; and I am confident, that he carries with him from the University of Glasgow the hearty good wishes of all with whom he has come in contact.

I am very sanguine that Dr. Mukerjee will prove himself a zealous and successful practitioner of medicine, and, at the same time, reflect credit upon the University in Glasgow.

Dr. Reid says, "if ill, I would have no hesitation in trusting myself to his care and skill." Mr. Thomas Moir, Registrar, University of Glasgow, writes:

REGISTRAR'S OFFICE, UNIVERSITY OF GLASGOW,
3*rd August* 1876.

I have very great pleasure in stating my high opinion of the character and accomplishments of Mr. Umesa Chandra Mukerjea, M.B., C.M. I have known Mr. Mukerjea from official intercourse with him, and also in the closer intimacy of private friendship for the last twelve months, during which period he has been a student of the University of Glasgow; and in all my relations with him have been invariably delighted with the high moral character which he has unostentatiously evinced, and with the exceeding gentleness and kindliness of disposition which characterize him. His intellectual attainments are far from being confined to the range of the special departments of his profession, but embrace a wide knowledge of general English literature, in addition to an extensive acquaintance with the literature of his native country.

As a student of the University of Glasgow, Mr. Mukerjea distinguished himself in various classes, and specially in the class of Surgery, in which he obtained *first-class honours*.

There are other equally good testimonials, for which we cannot make room. Babu Umesh Chunder took up five subjects for examination, though the usual practice is to take up three, and he has passed in all of them most successfully. Himself a good Sanskrit scholar, he has learned German, and has acquired a good proficiency in that language. He did not pass the army medical competition, as his English friends advised him to take service in the civil medical line, which they were of opinion would give him greater leisure for the pursuit of independent researches and investigations. The reader might remember that not long ago he carried on an able controversy in the *Times* with Professor MaxMuller about the Sanskrit translation of the Imperial Title of Her Gracious Majesty the Queen. In this controversy the great Sanskritists of England gave him the palm. A man of such varied knowledge and distinguished scientific attainments would be an acquisition to the public service.

LATEST NEWS AND NOTES.

WE INVITE the attention of holders of land in Calcutta to an advertizement in another column notifying that the Collector of Calcutta is prepared to issue forms of application for registration of title.

WE UNDERSTAND that His Excellency the Viceroy has invited Rao Vishwanath Mandalik of Bombay, Rao Saheb Narain Bhai of Berar, and the Hon'ble Kristodas Pal of this city to join the Text-books Revision Committee at Simla.

WE ARE sorry to learn that the Government of Bengal has refused to suspend the payment of rent in the temporarily settled estates in the district of Noakhally, which was lately devastated by the cyclone-wave and cholera. Surely the Government ought to set an example to the private landlords by assisting the tenantry in khas estates.

WE LEARN from a letter from the Executor of Mr. Foley to General Bowie, received by the Canning Memorial Committee, that the statue is on a fair way to completion. The Executor writes:

"I am glad to be able to inform you that the cast has proved a most successful one. I am happy to know the small model has arrived safely in Calcutta, and it is approved by the members of the Committee there. I am also glad to learn the package I had the pleasure of forwarding to Bath reached its destination in safety. I will not fail to report to you again shortly the progress of the chasing of the Bronze Statue."

THE ATTITUDE of the Assam Government towards the Maharaja of Bijni is much to be regretted. The Bijni family is a branch of the Kuch Behar House, and exercised semi-independent powers. A portion of the Bijni Raj extends to the Bhootan dooars, called the Bijni dooars. When the British Government made a war with Bhootan a few years ago, the Bijni dooars were included by the Bhootan Government in the territory ceded by them to our Government, on the ground that the Bijni Raj was tributary to them, but the Maharaja of Bijni was then a minor and no one protested against the cession on his behalf. On coming of age the Maharaja claimed his territory, but the British Government refused to restore it and proposed to settle the estate with him. The Maharaja as a British subject instituted a suit against the British Government in the local Court, which was dismissed. He made an appeal to the High Court. In the meantime the Assam Government proposed a settlement to the Maharaja, who has, we learn, offered to withdraw the suit in the hope of obtaining a Permanent Settlement and a due recognition of his rank. The Bijni Raj has always been loyal to the British Government, and the present Maharaja since attaining his majority has given good proofs of his loyalty and public spirit. He deserves a generous consideration at the hands of our Government.

AT LAST SATURDAY'S meeting of the Municipal Commissioners the question of the Mehters' strike was discussed. On the whole the meeting conducted itself with moderation. There was a feeling of irritation among the Commissioners in consequence of want of adequate information from the executive on the subject. They argued that under the new constitution they had a distinct and individual responsibility; their constituents looked up to them in all matters affecting their welfare, and when the health of the town was threatened they could not sit quiet and allow things to take their own course. Hence the movement made for a discussion of the subject. There was a consensus of opinion amongst the Commissioners that the executive did not act in the right spirit by taking action in this important matter without consulting them.

at all. The Chairman replied that it would have been bootless to have submitted the subject to the Commissioners before it was ripe. We do not quite agree with him on this point. Deliberation ought to have preceded action. The law has laid down two courses of action for the Commissioners for the conservancy of private houses—either the licensing the Mehters or the entertainment of a Municipal establishment for the work. The Chairman said that the Mehters were first offered the licensing system with a division of the town into blocks, but that they would not accept it and made a strike. But what the Commissioners complained of was that the executive had resolved to take this step without consulting them. If the executive had thought that the licensing system would be the best, surely they ought to have taken the opinion of the Commissioners upon it in the first instance. Instead of doing this they meddled and muddled. The Commissioners as a body seemed to be quite willing to support the executive; they admitted that improvement was necessary; but they urged that law and courtesy alike required that nothing should have been done without due notice to them. The Chairman was quite right when he said that after the strike was made by the Mehters there was no time for deliberation, and that the executive accordingly adopted vigorous action by recruiting new men, and replacing the service of those who had struck. The Comissioners fully appreciated the position of the executive and considered it prudent not to interfere. They allowed six weeks to pass, but in the meantime the condition of the town became insufferable. Complaints poured in to them without number and they had no choice but to ask the Chairman to convene a meeting for the consideration of the subject. There was a difference of opinion among the Commissioners as to the line of action to be followed. Some held that the compulsory system adopted by the executive should be abrogated at once and that the voluntary system should be reverted to, tempered by a proper scheme of registration. Others were of opinion that it might be disastrous to paralyze the hands of the executive by summarily putting an end to the work initiated by them after much trouble and expense. that though the latter had not gone to work in the right way, still their prestige was the prestige of the Corporation, that there ought to be no spirit of antagonism between the Commissioners and the executive, that though there might be differences of opinion the public ought to know that they were one. Accordingly it was resolved that the whole question should be referred to a Special Committee with full powers to act in the matter. This Resolution was carried *nem con.*

So far so good. We make no doubt that the Committee will do the work in the right spirit. Their duties are two-fold, 1stly to enquire into the cause of the strike, and 2ndly, to devise means for the efficient conservancy of private houses. It is due to the poor and ignorant men, who discharge a most use ul work to society, which no other class can perform, that the fullest enquiry should be made as to whether they have any just cause of complaint, whether the strike was forced upon them. We are told that two or three days after the general strike some of the men were willing to take out licenses and do the work as before, but that they were not allowed to take the buckets to the night-soil depots, and that hence the general cessation of work. This point will be cleared up by an examination of the subordinate officers. With regard to the second point it is certainly desirable that the Mehters should be brought under municipal control. But if they are to be employed as paid servants of the Municipality, they ought to be allowed adequate remuneration. They complain that they make much more than the wages offered by the Municipality, viz., Rs. 8 per month, and if they are to be deprived of free trade, surely they ought to be given such an allowance, which would be a sufficient compensation to them. Then the Municipality ought to make no profit out of the mehters' service. The occupiers have a certain advantage by employing their own servants, and ought to receive a *quid pro quo* by a reduction of charge. One thing ought to be borne in mind. The underlings who wear the badge of the Municipality are generally insolent to the poor; they also levy a black mail upon them; if the mehters be converted into Municipal servants we hope the Commissioners will see that they are not converted into petty tyrants. All these points ought to be taken into consideration by the Special Committee. We hope they will also enquire into the allegation made in the mehters' petition that they used to pay Rs. 7000 per mensem or Rs. 84,000 per annum, of which only Rs. 28,000 went to the Municipal coffers. Who pocketed this vast difference? Was it only the high priests of the mehters as the Chairman has been led to believe?

WE HAVE received the following report of a meeting of the Nuddea zemindars against the Public Works Cess Bill:

"A preliminary meeting of the zemindars as well as of others interested in land, in the District of Nuddea, was held at the hall of the Krishnaghur Anglo-Vernacular School at half past six o'clock, on Sunday the 13th instant, for the purpose of adopting necessary measures, after due deliberation and consideration of all the circumstances, to make a humble and respectful protest against the Public Works Cess Bill and to memorialize His Excellency the Viceroy in Council with a view to have it vetoed. Among the big zemindars who were present at the meeting we noticed Babu Taranath Mookerjea of Ulla, Babu Madanmohun Pall of Boira, Babu Anundamoy Moitra of Santipore, Babu Mathuranath Pall of Latuda, Babu Bhagabanchunder Roy of Santipore, Babu Surendranath Roy of Sonadanga, Roy Judunath Roy Bahadur of Krishnaghur, Babu Biswanath Chatterjea of Ulla, Babu Sarodaprosad Chowdry of Krishnaghur and several others. A few of the zemindars who were absent, on account of ill-heath or other causes, sent their d legates and wrote to the Secretary Roy Jadunath Roy Bahadur, expressing their sympathy with the object of the Meeting. The leading members of the Local Bar, Babus Mritunjoy Roy, Prosunnocoomar Bose M. A. B. L. and Jadunath Chatterjea B. L. took a prominent part in the proceedings of the day. Babu Bhagabanchunder Roy brother of the famous Mati Babu of Santipore was voted to the chair; and the following resolutions were moved and unanimously carried.

Babu Taranath Mookerjea of Ulla moved the first resolution:

I. That in the opinion of this meeting, the enactment of the Public Works Cess Bill for the purpose of levying an additional Cess on a particular section of the community, to maintain a system of Public Works which would benefit equally the community at large, is unfair, and it therefore thinks it to be its duty, to urge upon the Government the necessity of adopting some such mode of taxation as to equalize the incidence of it on all classes of society. Babu Jadunath Chatterjea, pleader of the Local Bar, seconded the resolution which was put and unanimously carried.

II. Babu Anundamoy Moitra of Santipore moved the second resolution, which, after a good deal of discussion and amendment was put in the following form.

That with a view to give effect to the above mentioned resolution the following gentlemen, viz, Babus Mritunjoy Roy, Prosunnochander Bose, Prosunnochundra Roy, Taranath Mukerjea Abhoyanundo Roy, Sreenath Pall and Rai Jodunath Roy Bahadur, be elected to form a committee, with power to add to their number, to memorialize His Excellency the Viceroy on the subject, and the Committee be empowered to hold correspondence with the associations of other districts for the promotion of their common object. And that the memorial to be drawn up by the select committee, with some definite scheme of either Salt, Abkari or Income tax, in lieu of the one, proposed to to be levied, be laid before the next general meeting to be held on Sunday the 20th instant, for adoption before its submission to Government.

Babu Surendra Nath Roy of Sonadanga, seconded the resolution which was put and carried.

III. Babu Madan Mohun Pall of Boira moved:—That any pecuniary assistance that may be necessary for carrying out the object of this meeting be borne by all those, who are concerned with it, according to their means.

Rai Jadu Nath Roy Bahadur seconded the resolution which was put and carried.

IV. Babu Prosunno Kumar Bose proposed that Rai Jadu Nath Roy Bahadur be appointed secretary to the select committee. Babu Ananda Moy Moitra seconded the resolution which was put and carried.

The meeting then separated with a vote of thanks to the chair.

MOFUSSIL.

THE NEW CHITTAGONG SCANDAL.

[FROM OUR SPECIAL CORRESPONDENT.]

Chittagong, the 15th May 1877.

SIR,—If you have been anxiously waiting to learn the upshot of the fresh Chittagong scandal, I am sure, you will not be disappointed. In fact I promised you and your readers a splendid treat and I must fulfil it.

Since the 26th ultimo matters were looking up. I have said the prisoner was released that day; in fact Mr. Badcock expressed his regret that the Great Parnaah Case was not shown to him the day before. Though copies of papers of the case were refused to the accused on the 25th idem, he was subsequently provided with them. Strangely enough among these papers there was the copy of a petition presented by the Sub-Deputy Collector to Mr. Badcock and dated the 26th idem. Strange because this petition was neither seen that day with the records by the pleaders of the accused, nor any the slightest reference was made to it either by the Court or by the prosecution. If it was filed in the first office as a formal complaint as usual, the complainant should have been examined on his oath as to its contents and the formal charges made known to the accused, for until the copy of the petition was handed over to the accused on the morning of the 2nd instant, neither he nor his pleaders had the slightest idea as to the nature of the charges preferred against him, the Sub-Deputy's letter having been dealt with confidentially. If on the other hand the petition was presented to Mr. Badcock on the evening of the 26th, after the defendant and his pleaders had left the Court, it is difficult to understand the necessity for its filing, as the Sub-Deputy Collector had already been examined on oath that day. Mr. Newberry had sanctioned the prosecution *as Magistrate*, on suspecions entertained by him *as Collector* on the Sub-Deputy Collector's report, therefore the submission of the mysterious petition was not at best unusual.

"But," sir, "there are more things in heaven and earth than are dreamt of in your philosophy." It is very probable that after a respectable man of defendant's position had slept a night in Jail, Messrs. Newberry and Badcock came to their cool senses. They must have then seen that three grounds so deliberately and pompously stated in Mr. Badcock's order finally refusing bail even at the instance of the Sessions Judge were not evidence. Hence a formal complaint by the Sub-Deputy Collector became a necessity, and so there it was with the record, though nobody knew how, or when it came. But, Sir, if this petition formed the groundwork of the whole case against the unfortunate Tehsildar, as undoubtedly it is, will any body take the trouble to enquire how Mr. Badcock was justified in sending a respectable man to Jail on the 25th in anticipation as it were of a complaint filed on the following day, and Mr. Newberry in issuing a warrant for the arrest of this gentleman full one week before?

I must now give you I suppose the substance of the charges set forth in this extraordinary petition. They are four viz., 1st that the Tehsildar had misappropriated about Rs. 46,678 "which he afterwards paid into the collectorate," 2nd that he had prepared for the said purposes false returns and submitted them to the Collector, 3rd that he misappropriated a sum of Rs. 83 which he neither made over to the Collector nor showed in his accounts; 2ndly, that he committed forgery in respect of two entries in the cash accounts for embezzling being—prepare yourself to hear it—the respectable sum of Rs. 8 as. 10 pie 5!! So in all a rich and respectable man like the Tehsildar was easily believed to have embezzled a sum of Rs. 93 as. 14 pie 11. for as regards the heavy sum of Rs. 46,000, it is admitted in the plaint, that every pie of it was remitted to the treasury, the essence of the offence, undiscernable to ordinary intelligence, lying in the term *afterwards*. But of that more hereafter.

Mr. Bose arrived on the morning of the 2nd instant. The trial came on that very noon, the Court allowing him hardly a couple of hours' time to master the numerous details of the case. But thanks to the superior intelligence of Mr. Bose—himself as you are aware a scholar of European reputation—within this short time he was able to conduct the case with as much ease and confidence as if he had studied it for his whole life. At the very commencement of the trial the Sub-Deputy Collector Babu Kalisankur Sen, who was the first of course to grace the witness box, put in copy of a document, which Mr. Bose protested was inadmissible unless it was proved that its original was missing. Government pleader who should have known this simple provision of the law of evidence, then went to the length of examining some Amlah of the Collector's office to show that the original which was in the Collector's Office was strangely enough lost. In this however he utterly failed and the document which was nothing more important than a quarterly return, was therefore rejected by the Court. The whole day was thus wasted, and one might in fact draw a line across the whole of the evidence recorded this day. As Mr. Bose's stay in Chittagong was of an extremely limited character this interlocutary proceeding was highly prejudicial to the interests of the accused.

The real trial therefore commenced on the following day, the 3rd instant but it opened with a scene at once interesting and edifying to behold. It appeared that actual collections have not been shown by the Tehasildar in his quarterly returns of certain quarters, and totalling the difference the Sub-Deputy Collector had arrived at the astounding sum of Rs. 46, 000 to misappropriate which the Tehasildar in his opinion, had prepared false quarterly returns without showing the actual collection. Defendant's Counsel pointed out to the Court that rule and practice has been in this District to show not the actual collections, but remittance made to the treasury in col. 7 of the quarterly return. The Sub-Deputy was stunned with the blow. He then admitted his mistake and that his evidence of the previous day was all incorrect, but still maintained that he could prove actual misappropriation of a certain amount. But here alas! his skill in arithmatics failed him. He took half an hour's time to state the correct, figure. It was a painful sight to see him running through figures adding, subtracting, and doing the same theory ten thousand times over for a mortal half hour. At the end of this interval, one fling at him by the Counsel, and he was in the midst of worse confusion than before. He again wanted time, but the Counsel for the defence justly protested that it would be doing an injustice to his client if further time were allowed

to the prosecutor, who had full six months' time to hatch up the case. The Sub-Deputy and the learned Government pleader tried again their skill in figures but pardon me it was confusion worst confounded ! The first charge had therefore to be abandoned for the day and the Sub-Deputy was examined on the 2nd and 3rd charges. Two Amlahs of the Collector's Court were also examined that day, their evidence also disclosed that only a remittance to the treasury was all that was required to be shown in the quarterly returns irrespective of actual collections.

Next morning Mr. Newberry accompanied by the Deputy Magistrate Mr. Sarson appeared in Mr. Badcock's Court and informed Mr. Bose that it was necessary for him to transfer the case to the file of Mr. Sarson as he had received telegraphic orders to send Mr. Badcock to join his appointment at Backergunge where he had been transferred. Transferring at this stage a case in which a Counsel had been brought down from Calcutta, who was to have returned by the steamer leaving within a couple of days of that date, looked more like a joke anything else. In the first place Mr. Newberry knew that Mr. Badcock was transferred, as the transfer had already been *Gazetted* and why did he still make over such a heavy and important case to his file ? In the second place did he represent to Government that the transfer of the case and beginning it *de novo* would deprive the accused of the services of the Counsel, who has been brought down at an immense cost and plead a matter of unmitigated injustice to him ? Perhaps he did not. The defendant's Counsel represented to him the gravity of such a proceeding, but Mr. Newberry stood firm. If the real gravity of the case and injustice of transfer were telegraphed to Government we cannot persuade ourselves to believe that Hon'ble Ashley Eden would have countenanced such proceeding and ordered the immediate departure of Mr. Badcock who as a fact did not leave until the trial was over before Mr. Sarson. As a last resource Mr. Bose represented that the first two charges had been gone through and Mr. Badcock could easily dispose of them in 5 minutes, as he could not cross-examine witnesses whose evidence he was prepared to show, had proved nothing against his client. With great reluctance Mr. Newberry acceded however to this request and in another 5 minutes the first two charges which were gross misrepresentations of facts melted into thin air. I give the following extract for the edification of the public from Mr. Badcock's judgment. " I think it (evidence *f*) shews that the returns filed were not false in as much as they are like those filed by all other Khas Tehasildars who show in Col. 7 the amount paid into the treasury and not the amount actually collected during each quarter. There is also no evidence to show that the defendant ever had to shew the amount of cash actually in his hand or that he ever did so. There is also no evidence as to how the defendant should pay in money, whether he has to pay it daily weekly, or at one time. Under these circumstances I think the charge of embezzling Rs. 46,678 has failed."

The question is what there was that justified Mr. Newberry in prosecuting a respectable man and issuing a warrant for for his arrest ? If he had only made enquiries from his own amlah, or called upon the Tehasildar to explain these charges he would have seen how utterly futile and groundless they were. But it is nevertheless a fact, as is evident from the warrant that it was issued principally on these two charges only. Mr. Badcock himself admitted that these charges arose out of a misapprehension of the meaning of Col. 7 of the quarterly return, but pray who is to pay for it ? For this misapprehension a gentleman has been ruined and disgraced, and the aristocracy of an entire district insulted. Will the definition of " good faith's given in the Indian Penal Codes cover such an egregious blunder and satisfy such a wanton persecution ? But there is more behind.

The trial of the remaining two charges came on before Mr. Sarson on the following day, the 5th instant and were patiently gone into by that Western officer. A parcel of wretched Talukdars from Kulubdeah were produced to prove a number of *Dakhilas* (receipts for rent) in respect of which, the Sub-Deputy Collector swore there were no corresponding entries in the Tehasildars Collection papers, though entries with respect to two of them were actually shewn to him by the defendant's Counsel. There was one fatality however, which of course the good Sub-Deputy had failed to notice. These Talukdars were either directly, or indirectly through their friends and relations concerned in three successive false complaints against the Tehasildar. " False charges" I quote Mr. Newberry's predecessor, Mr. Vesey, " form the natural weapon of men of their class and when these are found to fail they will have recourse to other means." Yet, by a strange coincidence no doubt, these were the only men who were made to over-pay their rent in some cases and in respect of whose rent alone that mad-cap of a Tehasildar committed a palpable breach of trust and forgeries !

Before the rising of the Court on the 5th instant the prosecution made two desperate attempts to get rid of the Barrister. This gentleman was to have left by the steamer of the 7th and the gentlemen in charge of the prosecution distinctly saw that if by hook or crooks a postponement could be obtained, then they could shuffle his legal talons. So they first tried to issue a commission for taking the evidence of the gentleman residing elsewhere. Failing in this, after a dreadful exposure the Government pleader applied for warrant against certain witnesses, who it was said for the first time, though the trial was continuously going on from the 2nd, had not appeared on summons. This was also very properly rejected by the Court.

The Sub-Deputy was Cross-examined on the 7th and 8th and while under Cross-examination he presented a most amusing spectacle. The whole hall was ringing with laughter, and it was simply pitiable to see him swear and answer almost every important statement made by himself. I wish you could publish the whole of his depositions but as that is impossible I will give a few extracts from the judgment of Mr. Sarson in support of my observations.

" After the examination of these witnesses Babu Kali Sankar Sen Sub-Deputy Collector was subjected to a most a rigid and searching cross-examination by the learned Counsel for the defence, and I must say he made a great spectacle of himself. It appeared from his own admission that he had never been through the Tehasildars books diligently and carefully, that he had never examined the entries in them item by item with the Dakhilas in which he had grounded his charge of embezzlement, and the result was to his great confusion, that two of the Dakhilas, by 7 and by 6 were found entered in the Tehasildar's account books, but strange to say the Sub-Deputy in the face of it still maintained his charge of embezzlement against the Tehasildar on these Dakhilas simply because the items were not entered in some part of the book where he expected to find them."

Mr. Sarson thus traces the origin of this case :—

" In the face of so many and repeated enquiries (made by Mr. Newberry's predecessors) it is very difficult to believe in the truth of the allegations now brought forward by the Sub-Deputy. The Counsel for the defence in this cross-examination of the Sub-Deputy and Naba Chander Sen, formerly a Muhorir under the Tehasildar, has brought out that there was a misunderstanding between the Sub-Deputy and the Tehasildar about boarding charges (they used to mix together) and also because the Sub-Deputy had brought women into the cutchery and there is no doubt that it was after these misunderstanding that these charges were preferred by him."

One more extract and I have done. " Further I may state that some of the Dakhilas appear to have been tampered with, and English figures appear on a few, never the totals which apparently have been inserted by some body afterwards."

It only remains for me to say that Mr. Bose addressed the court on the 9th and the accused was discharged from other two charges also on the 10th instant. The speech was an admirable one, impressive and eloquent. The court was crowded to overflowing, and though most of the people did not understood him still they stood rivetted to the spot for four hours that he spoke, charmed as it were with the music of his voice.

I t cannot do better than to leave all comments to your abler pen, The letter is already too long, I shall therefore conclude it with a few suggestions for the consideration of His Honor the Lieutenant-Governor, I will throw them in the shape of so many queries 1st, was it not proper for Mr Newberry to allow the Tehasildar a chance of explaining away the charges brought against by the Sub-Deputy or at any rate to ascertain what he had to say before sanctioning a criminal prosecution against a man of his respectability and position ?' 2nd was it not even necessary for him to ascertain what rules and practice were extant in his district as regards the preparation and submission of these returns. 3rd was he justified in issuing a warrant against the Tehasildar when he saw that every pice of the money he was charged with embezzling had been paid into his Treasury ? 4th, did Mr. Badcock hold private meetings with Mr Newberry about this case ? 5th, was he justified in returning the two petitions presented to him on the 25th ultimo without orders ? 6th, was he justified in deliberately sending the accused to jail inspite of the clear order of the Sessions Judge to the contrary? 7th was the transfer of the case at that stage so much to the prejudice, inconvenience, and cost of the accused judicious 8th, what notice should the Government take of the conduct of the Sub-Deputy as disclosed by his own deposition and by Mr Sarson's judgment ? 8th who is responsible for this disgraceful case ? More I need not say.

LOCAL.

BRITISH INDIAN ASSOCIATION.

(Concluded from the Supplement.)

Babu Persad Das Dutt moved that the under-mentioned gentlemen be elected office-bearers for the current year :

Maharajah Romanath Tagore, C. S. I., President. Rajah Degumber Mittra C. S. I, Hon'ble Rajah Norendra Krishna, Bahadoor, Rajah Suttyanand Ghosal, Bahadoor, and Rajah Hurrendra Krishna, Bahadoor, Vice-Presidents.

Members of the Committee.—Rajah Rajendranarain Deb Bahadoor, Baboo Joy Kissen Mookerjee, Baboo Peary Chand Mitter, Babu Rajendralala Mitra, LL.D., Baboo Doorga Churn Law, Baboo Debendra Mullick, Baboo Romanath Law, Baboo JoJoo Lall Mullick, Hon'ble Rajah Promothe Nath Roy Bahadoor, Nawab Amir Ali, Bahadoor, Baboo Punna Lall Seal, Baboo Chunder Kant Mookerjee, Baboo Krishna Mohun Mullick, Baboo Greesh Chunder Ghose, Kumar Greesh Chunder Singh, Bahadoor, Baboo Ashutosh Mullick, Baboo Peary Mohun Mookerjee, Baboo Tareenee Churn Banerjee, Baboo Dwarkanath Mullick, Hon'ble Nawab Mir Mahomed Ali, Bahadoor, Baboo Norendra Nath Sen, Nawab Amed Ali, Bahadoor, Baboo Rajcheree Ghose, and Herjeebhoy Manickjee Rustomjee, Esq.

Hon'ble Maharajah Joteendra Mohun Tagore, Bahadoor, Honorary Secretary, and Hon'ble Kristodas Pal, Assistant Secretary.

Baboo Bejoykissen Mookerjee, seconded the motion.

Carried nem con.

Baboo Kristodas Pal informed the meeting that the Committee had sent up an appeal to His Excellency the Viceroy on the Public Works Cess Bill, and that they did not intend taking any further action till an answer was received.

Dr. Rajendralala Mitra said, that when people get into a railway carriage they are fully aware of the time they would have to remain in it, perhaps ten, fifteen or twenty hours or more, and yet before the first hour is out they begin to watch the mile stones, and calculate the distance they have travelled over, and many must have seen with what intentness passengers put out their heads from the windows to know how many miles they had passed. There was a sense of satisfaction, or a sense of relief, in the knowledge which was thus sought by most people. And what was true of railway travelling was equally true of most things concerning life, A periodical examination of the distance travelled over in the course of life, though not always gratifying, was a source of relief, and as we grow older and older we fondly recall to mind the memory of the past ; and if properly utilised, this serves an important purpose. It enables us to realize in our mind what progress we have made and where we have broken down, and the realisation proves, according to circumstances, our guide or our beacon for the future. And the retrospect, good for individuals, was better for corporations. Certainly a retrospect of the past was most important in matters relating to public institutions, where the history of the past was generally the light for the time to come, and annual meetings were designed to effect that purpose. They enabled the non-working members to see the substance of all that was done by their delegates in course of a year, and thereby to judge how those delegates had worked, and to decide whether they should be allowed to continue in office, or not. Taking the annual report laid on the table in that light, the speaker was glad to be able to congratulate the meeting on the successful working of the Association. There was no falling-off of energy, no want of zeal, and no want of ability in the faithful discharge of its duties, to be noticeable in any respect. He might well say the British Indian Association came to existence, very much like Minerva, in the prime of vigour and armed cap-a-pie, and the very first task it undertook was to tackle with the Charter of the East India Company in 1852. (laughter) And since then there has not been a single movement of social or political importance in which it had not taken a prominent part. The report showed how busily it had been employed. Not a Bill of any importance was introduced into the supreme or the local Council, in which the Committee of the Association had not taken a part, writing not unoften two or three memorials against it, (laughter). It reminded the speaker of a cartoon in the *Indian Charivari* in which an Honorable legislator is represented as working at a mill, which poured forth legislative schemes in a copious stream. And the Association seemed likewise to work a mill, and to pour out a counter current of memorials, strong in facts, figures, and unassailable logic (laughter). It was true that he could not congratulate the meeting on the invariable success of those memorials. Their prayers were not always granted ; many memorials were thrown out, and only a few bore fruit. This was, however, what was to be expected. Remembering the Government under which they lived, and their own political position, the members could easily account for the result. Under the best of circumstances it could not be expected that memorials emanating from a particular corporation would always prove successful. The memorials of the British Indian Association, however, were not all thrown away ; even when their prayers were not granted. They exerted a moral influence which controlled the action of Government in a variety of ways, and proved beneficial to the community at large. They evinced an activity and watchfulness which could not but subserve the purpose of good government ; and it would be a great mistake to suppose that a memorial, the prayer of which was not complied with, was necessarily labour lost. The moral effect of an honest sound memorial was always good, and it should never be lost sight of. It was not in the power of the Committee of the Association always to command success, and they should be judged not by the amount of success which attended their exertions, but by the amount of work done, and the way in which it was done ; and the meeting had in the report submitted ample materials to come to a correct judgment. The members should cast up and see how often they had failed, and how often they had succeeded. If they did not get their prayers granted, they should try again and again till they succeeded. On the whole the speaker believed that they had no reason to be sorry, and he congratulated them on their Committee having done well. It might be said that he (the speaker) was a member of the Committee, and his testimony was not altogether unbiassed. He admitted he was a member of the Committee ; but he had taken so infinitessimal a part in the work of the Committee that he felt he could not be biassed. Besides he had not abdicated his rights as a member of the Association by becoming a member of the Committee ; and he was at perfect liberty to express his opinion on the work done by the Committee. He would be the first to denounce the Committee whenever occasion would be given for such denunciation. Referring to the Financial Statement, the speaker called the attention of the meeting to the fact that, notwithstanding heavy expenses on account of establishment, printing, books and contingencies, they had been able to save rupees 2,000 during the past year, and their funded assets now amounted to Rs. 19,500. With such a nucleus they should be able to go on increasing, and having at command sufficient funds to meet all extraordinary contingencies. It was gratifying to notice that the example set by the Association had given birth in Calcutta to two offshoots, formed expressly for the purpose of ameliorating the condition of the people by all legitimate means. He wished them every success, and hoped to see them multiply, and the time come when there would be hundreds of such institutions to advocate the cause of the country. But even above such institutions what were most wanted, were unity and honesty of purpose. They were not in want of mental capacity, nor was energy denied them, as was evident by the fact of their presence there, despite the weather (laughter). It was the want of unity hwich deprived the people of India of their independence some nine hundred years ago ; that want still existed, and until they gained that they would never be able to rise in the scale of nations. It was of all others the most vital requirement for political greatness ; and next to it was honesty of purpose. No political Association would prosper whose members did not identify their interests with those of their countrymen. Self should be subordinated to the community, and the good of the community should be the good of the individual. Those, who sought their own individual interests only, were not good citizens. They were as bad as Bazaine who sold a part of the patromacy of one of the noblest nations on the face of the earth to serve his own object. They should be denounced as enemies of the community. They could never help the amelioration of their country's cause. The speaker was sorry that he was led to allude to them, but he felt strongly that it was the want of unity and honesty of purpose which stood in the way of their success, and those who wished for the good of their country should be the first to secure those requirements. (*Cheers.*)

Babu Peary Mohun Mookerjee said

So much has been recently said and written on the Public Works Cess that I hesitate to ask even for a moments hearing on the subject at this meeting. Although unhappily one cannot congratulate the Association on the result of their labors in regard to the Cess Bill, still all persons connected with the land are deeply indebted to them for the pains they took in placing before the Government all the facts and arguments which go to prove that the imposition of the cess will be opposed to the principles of equity, justice and good faith. I have had occasion during the last four weeks to talk on the subject with scores, I may say, hundreds, of landholders and

ryots, and I wish I had taken notes of what they said in asmuch as they would have shown how intense was the feeling evolved by the proposed imposition. It was a feeling of disappointment, wrong and helplessness. Every one of those with whom I conversed expressed his readiness to co-operate with the Association in any movement they may make to represent our grievances to the British Crown and Parliament and to bear his share of the expense of the same. Should therefore their memorial to the Viceroy, praying His Excellency to withold his assent to the Cess Act not succeed I trust this Association will take prompt steps for doing what is the earnest wish of one of the most important communities which they represent.

There is another subject to which this Association should devote its early attention. I mean the administration of justice so far as regards the pay and qualifications of Civil Court Ameens, and the constitution of the proposed appellate benches. I will not at this hour inflict on the meeting any hasty remarks on a subjects so vast and important.

Thanks were next voted to the chair and the meeting then separated.

ACKNOWLEDGMENTS.

MOFUSSIL SUBSCRIPTIONS	Rs.	A.	P.
Secretary to the Satara Library,...	13	4	0
W. Shireff Esq., Sindoori	15	0	0
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Baboo Ramapersad Chuckerbutty, Ampta	3	5	0
„ Shamachurn Banerjea, Subjeebagh	13	4	0
„ Kadarnath Banerjea, Cachar	3	13	0
„ Okhoycoomar Banerjea, Shillong	5	0	0
„ Hurmohun Das, Rungpore	13	4	0
„ Ombicachurn Chatterjea, Khurrukpore	6	10	0
„ Poornachunder Das, Chittagong	6	10	0
„ Lalgopal Sen, Arrah	21	2	0
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„ Lalitmohun Singh, Shibpore	26	8	0
„ Aughorechunder Ghose, Naroosh	2	8	0
„ Dinonath, Banker, Shekahabad	6	10	0
„ Muttylal Dey, Debra	13	4	0
„ Dwarkanath Chuckerbutty. Cuttuck	30	0	0
„ Bepinbehary Dey, Bazidpore	10	0	0
„ Greeshchunder Bhuddar, Bhoboosh	6	10	0

Government Notifications.

Calcutta Gazette,—*May* 16, 1877.

GENERAL.—The Senior Assistant Commissioner of Hazaribagh to be an official visitor of the lunatic asylum at that place.

Moulvi Abdool Wassey Ahmed, Officiating Sub-Deputy Collector, Jungypore, allowed leave for fourteen days, with effect from the 10th April 1877.

Mr. F. J. G. Campbell, Officiating Joint-Magistrate and Deputy Collector Sewan Division is vested with the powers of a Collector.

Baboo Baroda Kant Mozumdar Deputy Magistrate and Deputy Collector Balasore, obtained additional leave for four days.

Mr. H. S. Beadon to act as Magistrate and Collector of Cuttuck.

Moonshi Abdoor Rezak, Sub-Deputy Collector Sasseram to act as Sub-Deputy Collector First Grade *vice* Baboo Rughoo Nundon Pershad.

Baboo Burmadeo Narain, Officiating Sub-Deputy Collector Jehanabad to act in the Second Grade of Sub-Deputy Collector.

Baboo Gunganarain Roy M. A. to be a Sub-Deputy Collector Calcutta.

Mr. H. C. Sutherland, Officiating District and Sessions Judge, Backergunge obtained leave for one month.

Baboo Shitul Nath Bose, Deputy Magistrate and Deputy Collector posted to the Sudder Station of 24-Pergunnahs.

Baboo Rashbehary Bose Deputy Magistrate and Deputy Collector, posted to the Sudder Station of Pooree.

Mr. E. S. Andrew Deputy Magistrate and Deputy Collector transferred to the Sudder Station of Midnapore.

Mr. E. M. Reily Deputy Magistrate and Deputy Collector, Fifth Grade, to have charge of the City Moorshedabad Division.

Baboo Tarucknath Mullick Deputy Magistrate and Deputy Collector 24-Pergunnahs, to be Manager of the Zemindaries of the Minor Raja of Cooch Behar.

EDUCATION.—The following officers to act in the Second Class of the Bengal Educational Service :—

Mr. J. Elliott, M. A. Professor Presidency College.
„ W. Griffith, M. A. Officiating Principal, Hoogly College.

Mr. W. T. Webb M. A. Professor Dacca College, to act in the Third Class Bengal Educational Service.

Baboo Prosonno Coomar Sarbadhiacary, to act in the Third Class, Bengal Educational Service.

Mr. J. Wilson Professor, Patna College obtained leave for six months.

MEDICAL.—Dr. J. A. Green Medical Officer Burdwan retranstererd to Serampore.

The appointment of Surgeon Bunkobehary Goopta, Officiating Civil Surgeon Balasore to act Civil Surgeon Serampore is is cancelled

Surgeon R. Cobb Acting Civil Surgion Serampore to act as Civil Surgion of Burdwan.

Assistant Surgeon Zubeeruddin, allowed leave for one month.

Assistant Surgeon Odeutoolah, a Supernumerary at the Presidency to have charge of the Dispensary and Sub-Division of Barh in Patna.

Mr. R. H. Renny, Officiating Assistant Commissioner to be a member of the Economic Museum Committee of Manbhoom.

Mr. Jules Deveria, Manager of the Silk Filature at Ghalimpore to be a member of the Economic Museum Committee of Rajshye.

The Lieutenant-Governor has accepted the resigna-tion of Hon'ble V. H. Schalch C.S.I.

The following gentlemen to be Commissioner for the Municipality of Naraingunge, Dacca.

Mr. Easton, Merchant *vice* Mr. Wilson.
Baboo Mohin Chunder Gangoly Head Master Naraingunge School *vice* Baboo Modun Mohun Pal.
Babo Hari Mohun Sen, Merchant.

The Lieutenant-Governor approves the election of Mr. C. A. Samuells, Officiating Joint-Magistrate and Deputy Collector as Vice Chairman of Dinagepore Municipality.

The following gentlemen to be Commissioners for the municipality of Shahebgunge.

Mr. J. F. Thomson Line Inspector of E. I. R.
Baboo Setul Singh, Mahajun.

The following gentlemen to be members of the District Road Cess Committee, Burdwan.

Mr. H. Munro Officiating District Superintendent of Burdwan.
Baboo Bagolonund Mookerjee. Road Cess Deputy Collector Burdwan.
Baboo Chandilal Singh Zemindar.

Furlough for eighteen months granted to Mr. J. F. Needham Assistant Superintendent of Police, Naga Hills.

Subsidiary leave of thirty days granted to J. F. Needham Assistant Superintendent of Police, Naga Hills.

JUDICIAL DEPARTMENT.—Baboo Janokinath Mazumdar Deputy Magistrate and Deputy Collector Beerbhoom, obtained powers of a Magistrate of Second Class.

Bolack Chand, Acting Judge Bhagulpore and Moonghyr, powers of the Magistrate of the Second Class.

Baboo Motilal Haldar Moonsif of Bodiakhali Rungpore, jurisdiction of Judge of a Court of Small Causes.

Baboo Jogesh Chunder Mittra Moonsif of Diamond Harbor obtained leave for 3 months.

Baboo Grish Chunder Ghose to be Subordinate Judge of Nuddea, but to officiate as a Judge of Small Cause Court of Calcutta.

Mr. E. M. Reily Deputy Magistrate and Deputy Collector Moorsheedabad obtained powers of a Magistrate First Class and powers to try offences summarily.

The Lieutenant Governor made the following temporary promotions in the Engineers' Establishment :—Major R. G. Smith R. E. Superintending Engineer Second Northern Circle to the First grade.

Mr. L. R. Roberts Superintending Engineer Third Grade, to be Second Grade.

Mr. M. P. B. Dwell Executive Engineer First Grade to be Superintending Engineer Third Grade.

Mr. J. A. Windle, Executive Engineer Second Grade, to be Executive Engineer First Grade.

Mr. S. A. Stewart Executive Engineer Second Grade to be Executive Engineer First Grade.

Captain G. F. E. S. Neil M. S. C. Executive Engineer Third Grade, to be Executive Engineer Second Grade.

Baboo Gopal Chunder Mookerjee Executive Engineer Third Grade, to be Executive Engineer Second Grade.

Mr. W. Connan Executive Engineer Fourth Crade, to be Executive Engineer Third Grade.

Mr. E. J. Meara, Assistant Engineer First Grade, to be Executive Engineer Fourth Grade.

Mr. T. Beatty Assistant Engineer First Grade, to be Executive Engineer Fourth Grade.

Mr. W. B. Christie Assistant Engineer First Grade, to be Executive Engineer Fourth Grade.

Advertisements.

BIRTH. Dé,—At Calcutta, on the 10th May, the wife of Brojendra Nath Dé Esqr. C.S. Assistant Magistrate and Collector of Durbhanga, of a son.

FOR SALE.

Attapore Factory in the District of Furredpore with valuable Putnee and Dur Putnee property attached thereto. The Factory is in complete working order, with all the necessary utensils, and the buildings are in good order. For further particulars apply to Wm. Shirreff Sindaaree via. Sadaahatty, E. B. Ry.

NOTICE

The attention of the Public is drawn to the notification of the Government of Bengal published at Page 551 of the *Calcutta Gazette* of the 2nd Instant. The owners of Tenures held directly from Government as well as Proprietors of Revenue free Properties in Calcutta and the managers thereof are reminded that the 1st of August next has been fixed as the latest date for submissions of application for Registration Under Act VII. (B. C.) of 1876.

Forms of application may be had free of cost at the office of the undersigned.

J. MACKENZIE,
Collector of Calcutta.

No. 5, *Church Lane.*

NOTICE.

G. Haase, M.D., oculist at No. 3, Chouranghee Lane, from 9½ to 10½ A. M., and from 3 to 5 P. M. For the indigent at No. 11, Esplanade Row from 7½ to 9 A. M.

THE ORIGINAL HARDWARE ESTABLISHMENT OF INDIA.

T. E. THOMSON & CO.,

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Importers of Steam Ploughs Horse Ploughs, &c., &c.

STEAM CULTIVATING TACKLE WITH STEVEN'S PATENT PLOUGHS AND CULTIVATOR.

Four Furrows.

		WITH	
1 Dozen	Extra Ploughshares.	2 Dozen Extra Shares	R. S. 3
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1 Dozen	Extra Shares S. 2	1 „ „ „	R. S. 4
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Howard's Patent Double-Breast or Ridging Ploughs.

These Ploughs are intended for moulding up or forming ridges for turnips, mangolds, and potatoes. The breasts are fitted in a neat and simple manner they can be readily expanded or contracted to any required width, and this independently of each other. By simply removing the breasts, which can be done instantly, and attaching the hoes shown in the annexed engraving, these implements can be used as horse hoes ... ... Rs. 90

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This Plough is intended to be worked by a small horse or bullock. It is adapted for light land, for stirring loose soil, and for any kind of shallow ploughing where the draught is easy.

The average weight of the above plough is 1¼ cwt.

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The above Plough is the most useful made for very hard, rooty, or stony ground being very strong and reversible.

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This Implement is intended for one row of turnips, potatoes, or beans, or for three rows of wheat, barley, &c. The hoes are made to suit the different widths of the rows, and are so arranged that the frame never projects beyond the outside hoes. The advantage of this arrangement is very great when hoeing high-standing crops. It is fitted with an expanding harrow, which works behind the implement and brings the weeds to the surface.

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Saddle Harrows	Rs. 50	per set.
No. 00—3 Beam	„ 45	„
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Ten per cent. discount off the above prices for Cash.

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A Secretary for the Tipperah Loan Office Limited on a salary of Rs. 50 (fifty) a month with promise of increase in case of meritorious services. Apply to the Directors on or before the 25th June 1877. The Secretary will be required to furnish security for Rs. 5000 (five thousand) either in cash Promisory notes or in landed property.

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TREATMENT OF UNIVERSAL POISONS.

A hand-book of treatments for all the poisons of Animal, Mineral and Vegetable Kingdoms. Snake biting has been more fully treated. Price with postage 12 annas only.

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DEAR SIR,

"I have derived so much benefit from the artificial teeth you made for me that I feel I must in gratitude write to thank you for all you have done for me.

For many years I have been without a tooth in my head having lost all after a very severe illness at a comparatively early age. For many years I have been unable to chew the pan so much used by natives; and this has caused much distress and sorrow. Fortunately I was recommended to place myself in your hands to have new mineral teeth supplied. I can now not only chew any pan but I can also eat every kind of food. My health is therefore much improved and I feel like another man. As there must be many Hindoos who suffer as I did from loss of teeth and who do not know how to remedy that loss, you may print this letter in the newspapers (without my name) for guidance of others.

Yours truly,
N. C. R.

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A single administration during menses generally cures the disease and brings on conception."

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NOTICE.

For sale second and revised Edition of Elements of Chemistry in Bengali or Russayan Bigyan by Dr. Kanailal Dey, Rai Bahadoor. Upward of 400 pages with illustrations. Price reduced from Rs. 4 to Re 1.

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The complete works of the late Rai Deno Bundhu Mitter Bahadur are just out of press. Subscribers are requested to send in the price to the address of Babu Sarat Chunder Mitter, No. 3, Mudden Mitter's Lane, Sukea's Street, Calcutta.

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April 21st, 1877.

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This medicine, the ingredients whereof consist purely of country and hill vegetables, has wrought a miracle in the cure of various complicated diseases which have baffled the skill of the most eminent physicians.

Several native gentlemen, who after trying in vain all European and Native medicines, have at last been cured by the use of my Amritarasa.

It has been experimentally proved and certified that this wonderful medicine is infallible in the cure of the most obstinate diseases, such as the diseases of the Cranium, Chronic Fever of all kinds, Chest, Heart and diseases of the Lungs, Spleen, Lever, Acidity, Colic pain, Piles, Fistula, Dysentery, Dyspepsia, Chronic venerial disorders, Debility, Nervous complaints, Hysteria, Female affections and other complicated diseases. It gives strength to the system and changes all morbid secretions to a healthy state.

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Hem Chunder Banerjea,
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TRANSLATION OF VERNACULAR TESTIMONIALS.

I have bought your "Amritarasa" to the amount of Rs. 150. This is a very wonderful medicine. We are quite surprised to see its wonderful power to cure various intricate diseases. In cases of *Colic pain* (sool) Asthma, Consumption, Chronic Fever, Dyspepsia, Dysentery and Hysteria, its efficacy has been fully observed.

Koylash Chunder Roymohasoy,
Zemindar and Hony. Magistrate;
Dehoorda Zillah, Baleshwar.

Last Bysakh my wife was laid up with various complicated diseases, so much so that there was no means of saving her life. In this state your Amritarasa was administered to her, and she is perfectly cured now.

Issur Chunder Roy Chowdhry,
Bahalgram, Raigunge.

Your Amritarasa being administered to my wife, her diseases seems to be in a great measure checked. The bodily weakness is much less than before. The pain in the stomach is not entirely cured yet, but I hope, from the state she is now in, that by continuing the medicine longer, she might possibly get completely cured, for the disease is not of a short standing.

Shusi Bhusun Haldar,
Deputy Magistrate of Mathabhanga;
Zillah Kuch Behar.

The curative virtue of your Amritarasa is widely known, and I am very happy to see some patients wonderfully cured by it. I do not know what amount of virtue you are acquiring by saving thousands from untimely death.

Chowdhry Protap Narain Roy,
Zemindar of Bansidiha.

By using your Amritarasa continually my disease has been checked in a great measure. My health is progressing, and I have gained much liveliness. Hoping to be perfectly cured by the use of a few bottles more.

Chowdhry Narain Chunder Roy Bahadoor,
Chooramun in Malda.

Babu Motilal Lahery of the Sub-Division Dhubri and some others have been cured by the use of your famous Amritarasa.

Roy Protap Chunder Barua Bahadoor,
Zemindar of Gouripoor, Dhubri.

I once tried your excellent medicine (Amritarasa) in chronic Headache, and the infallible result duly communicated to you. Now I have much pleasure to inform you again that I have tested its efficacy in some cases of Chronic Fever and Spleen with wonderful effect.

I have also cured 8 Cholera cases by your valuable pills—it is the only best reliable remedy yet found.

Rajendra Nath Datta,
Secy. of Rama N. P. Club.

I have much pleasure to inform you that I have been able to cure 50 cases out of 51, who were suffering under complicated diseases. In conclusion I assure you that your Amritarasa is a very efficacious medicine, and the further circulation of it is indispensibly requisite.

Purno Chunder Banerjea,
Member of Chinsurah Club.

One phial of your Amritarasa has done a good deal of good to my younger brother, who was suffering from a long time under Dysentery, Chronic Fever and Spleen. The 1st and 2nd diseases have altogether disappeared, and the Spleen is much better, and hope, will be cured in another bottle.

Dukhina Perda Roy Chowdhry,
Mohesrakha.

A phial of your Amritarasa was bought by me, and given to a woman who was suffering too much from Chronic Fever and other complicated diseases; and I am very glad to inform you that she is wonderfully cured by the use of the same.

Bonomally Paul,
Goonotea *via* Sainthia.

Last year by using your valuable Amritarasa. I am perfectly cured of Chronic Colic pain (sool), from which I suffered.

Joygobind Dutt,
Jatanpookhu *via* Jalpaiguri.

Your Amritarasa is very efficacious. My friend was suffering from fever for 7 years, from Spleen for 5 years and from Dysentery for 1 year, and was exceedingly weak. He used one phial of your Amritarasa, and is much better now The fever is cured, ¼th of the Spleen is reduced, and in place of about 12 bloody stools daily he has 2 or 3 motions now without blood.

Jogendra Chunder Bosu,
Ghutiabazar, Hugli.

Since a year I had been suffering from fever and cough. Having tried in vain various native and European medicines, I was at last completely cured by using your widely known Amritarasa.

Romanath Banerjea,
Huripur, Zillah Dinagepoor.

My poor letter can describe very little the virtue of your valuable medicine known throughout this part of the world. Often do I hear that many persons in these localities are saved from the attack of many dreadful and fatal diseases by means of your kindness. We have seen that Babu Radha Mohun Mookerjea is cured of a long standing Dyspepsia of an aggravated form, and his wife of a chronic asthma in a short time. Amritarasa (*i. e.* a drink which prevents death) is really achieving what its name imports.

Shama Churn Mittra,
Deputy Post-master, Bansdiha.

My brother has derived great benefit by using your Amritarasa. His colic (sool) pain and rumbling of the stomach are cured.

Prosunno Coomar Dass,
Ratnapur, Moorshidabad.

Your Amritarasa was use in a case of Fistula, the sore is cured, there being now only a spot in the place.

Gobind Chunder Sett,
Fansidewa, Darjeeling.

My venerable father was suffering under fever, cough, and * * * from a long time. He used 3 bottles of your valuable Amritarasa, (though he was unable to use it regularly), and his fever and cough are perfectly cured, * * *

Burneshw rMaookerjea,
Chooramun, Zilla Malda.

Those who used your valuable medicine Amritarasa here, have all been perfectly cured.

Loke Nath Bosu,
Kuttack.

INFALLIBLE CHOLERA PILLS.

This is a most efficacious medicine of Cholera ever discovered. The result appears from my Register already published that more than 90 per cent. cases were cured in 1875.

It is also a sovereign remedy for Sunstroke. This dangerous disease is cured in about half an hour, as if by magic.

The pills does not contain opium, chillies, poison or any intoxicating drug and can be safely used by women advanced in pregnancy and so by infants.

Cost for 50 Pills which can cure about 20 persons is Rs. 5 only. Certificates from gentlemen are annexed below.

HEM CHUNDER BANERJEA,
Missirpokhar, Benares.

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I have the honor to inform you that your medicine for cholera was received here when the disease had nearly disappeared from the town. It was however administered in 2 cases with successful result.

Sd. W. R. LARMINE.
Magistrate of Bankura.

I am very glad to say that your Cholera-pills have cured all the 10 cases in which they were administered.

(Sd.) D. V. SAPRAY,
Bankipur.

I am requested by the Maharaja of Burdwan to inform you that during the recent outbreak of Cholera in this place, your pills were tried in several cases which occurred among the servants of His Highness and were found to be efficacious. In all these cases the medicine was administered in the early stage of the disease but in one case in which it was administered to a patient who was in an advanced stage it was powerless and the man died.

(Sd.) T. B. MILLER,
Private Secretary.

Your Cholera pills are really infallible. Not being a professional man I was afraid to try your medicine at first, but I administered it in 3 cases given up by the Doctors as hopeless. Two of the patients recovered quickly within 6 hours by using only two pills each. The other a child took one pill which stopped his purging, vomitting, perspiration and spasm and caused a discharge of urine, but unfortunately at this stage his parents gave him some other medicine. The result was the disease relapsed and the child died.

(Sd.) BIPIN BEHARI DUTT,
Station Master Doomraw.

The few Cholera pills that you kindly gave me when I went to Gya in the Cholera season, have wonderfully saved the lives of 13 persons from that fatal disease.

(Sd.) RAMCHUNDER PUNDIT,
Sanscrit College, Benares.

I have to inform you that I could not give a fair trial to your medicine during the late outbreak of cholera here. Strictly speaking I treated 2 cases exclusively with your pills and found them efficacious.

I tried the pills in 10 more cases when they had already had other medicines and their disease had sufficiently advanced. However I am glad to say that those that had the fortune to live for some hours after the administration of your medicine, had the action of their kidny established, though mostly died subsequently. Of these ten cases only 2 actually recovered.

From this short trial I cannot arrive at any conclusion though I do not feel myself disappointed.

(Sd.) KHURGESHUR BOSE,
Asst. Surgeon Akyab.

I have much pleasure to say that I have been able to cure 80 cholera cases out of 86 by the use of Babu Hem Chunder Banerjea's Cholera pills in 1875. All these cases were personally treated by me gratis among the Pilgrims. On the subject I have been examined by the Civil Surgeon of Benares who has retained the papers in which the result of my treatment is recorded.

(Sd.) GOPINATH SOOKUL,
Benares.

Last month the Cholera Pills brought from you, were administered to 6 patients, and am very glad to say that all of them were perfectly cured. Cholera medicine, like this, has not yet been discovered. All the patients were cured within six hours.

Gopal Chunder Banerjea,
Native Doctor, Chupra.

Your Cholera medicine is the best one yet discovered. Many persons were cured by its use.

Parmeshwar Bedratna,
Umbica Rajbatty, Kulna.

The good effect of your Cholera Pills cannot be expressed in writing. It was tried in 18 cases among the coolies here. I am very glad to say that all of them have recovered without a single failure.

Moheeooddeen,
In charge, Tea Garden, Koorkurea.

The Cholera Pills sent by you were administered to 5 patients, and the result is that all of them have been cured.

Radha Bulove Sing Deb,
Zemindar, Bankura.

Many thanks for the Cholera Pills you kindly set me. I have tried it in several cases with successful result.

Zahurul Hossain,
Dewan of Talibpur Estate

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